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NEW DELHI, SATURDAY, JANUARY 14, 1995/PAUSA 24, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएँ
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(other than the Ministry of Defence)

वित्त मंत्रालय
(प्राधिकार विभाग)

नई दिल्ली, 19 दिसम्बर, 1994

का.घा. 48.—केन्द्रीय सरकार राजभाषा (संघ के भासकीय प्रयोजनों के लिए प्रयोग), नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुकरण में वित्त मंत्रालय, प्राधिकार विभाग के शासनिक नियंत्रण में स्थित भारतीय यूनिट ट्रस्ट, कारपोरेट कार्यालय, 13, विठ्ठलभाई ठाकरसी मार्ग (न्यू मैरीन लाइन्स), बम्बई-400, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यभाषक ज्ञान प्राप्त कर लिया है, अधिसूचित करते हैं।

[सं. 11013/4/94-हि.का.क.]

सुधीर कुमार वर्मा, प्रवर सचिव

MINISTRY OF FINANCE
(Department of Economic Affairs)

New Delhi, the 19th December, 1994

S.O. 48.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies

the Unit Trust of India, Corporate Office, 13, Vithaldas Thakarsai Marg (New Marine Line), Bombay (under the Administrative control of Ministry of Finance, Department of Economic Affairs) where of more than 80 per cent of Staff have acquired working knowledge of Hindi.

[No. 11013/4/94-HIC]

S. K. VERMA, Under Secy.

(प्राधिकार विभाग)

(वैकिक प्रमाण)

नई दिल्ली, 22 दिसम्बर, 1994

का.घा. 49.—राष्ट्रीयकृत बैंक (प्रत्यक्ष और प्रतीक उपबंध) संकीर्ण, 1980 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुकरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्वारा श्री एस.एस. कोहली, वर्तमान महाप्रबन्धक, पंजाब एंड सिंध बैंक, को उनके कार्यभार ग्रहण करने की तारीख से पांच वर्ष की अवधि के लिए पंजाब एंड सिंध बैंक के पूर्णकालिक निदेशक (कार्यकारी निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[सं. एफ. 9/15/94-बी.ओ.]

एस.एस. गीतारामन, प्रवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 22nd December, 1994

S.O. 49.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. S. Kohli, presently General Manager, Punjab and Sind Bank as a whole-time Director (designated as the Executive Director) of Punjab and Sind Bank for a period of five years from the date of his taking charge.

[F. No. 9/15/94-BO. I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 2 जनवरी, 1995

का. आ. 50.—गोवा, दमन और दीव (बैंक पुनर्निर्माण) विनियम, 1962 के विनियम 4(1) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय स्टेट बैंक के एम एम जी एस-II के अधिकारी श्री ए. आर. आचार्य को पहली जनवरी, 1995 से अगला आदेश जारी होने तक, बैंकों नेशनल अल्ट्रा मरिना बैंड कैसा-इकॉनॉमिका डि गोवा के अभिरक्षक के रूप में नियुक्त करती है।

[सं. 23/5/93—बी. ओ. ए.]

बी. एल. सचदेव, अवर सचिव

New Delhi, the 2nd January, 1995

S.O. 50.—In exercise of the powers conferred under Regulation 4(1) of the Goa, Daman and Diu (Banks Reconstruction) Regulations 1962, the Central Government hereby appoints Shri A. R. Acharya, Officer, MMGS II in the State Bank of India, as the Custodian of Banco Nacional Ultramarino and Caixa Economica de Goa w.e.f. 1-1-1995, until further orders.

[No. 23/5/93-BOA]

B. L. SACHDEVA, Under Secy.

नई दिल्ली, 2 जनवरी, 1995

का. आ. 51.—भारतीय स्टेट बैंक (अनुवर्गी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 25 की उपधारा (1) के खण्ड (ड) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री जी. बी. प्रसाद अवर सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग (वैकिंग प्रभाग) नई दिल्ली को श्री डी. एस. जग्गी के स्थान पर स्टेट बैंक ऑफ पटियाला के निदेशक के रूप में नामित करती है।

[सं. एफ. 9/9/94—बी. ओ.-1]

के. के. मंगल, अवर सचिव

New Delhi, the 2nd January, 1995

S.O. 51.—In pursuance of the powers conferred by clause (e) of sub-section (1) of section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, hereby nominates Shri C. B. Prasad, Under Secretary, Ministry of Finance, Department of Economic Affairs (Banking Division), New Delhi, as a Director of State Bank of Patiala vice Shri D. S. Jaggi.

[No. F. 9/9/94-BO.I]

K. K. MANGAL, Under Secy.

(राजस्व विभाग)

आदेश

नई दिल्ली, 3 जनवरी, 1995

का. आ. 52.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/50/94—सी. शु.-8 दिनांक 27-4-94 को यह निदेश जारी किया था कि श्री जयनुलाबदीन उर्फ जयला सुपुत्र सोनी मोहम्मद 20/2 पार्थसारथी नायडू लेन, प्रथम तल चेपाउक मद्रास (2) नं. 1/67 विलायि कुचम रामानाथापुरम जिला (नेटिव प्लेस) तमिलनाडु को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मद्रास में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संरक्षण के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या जाने को डिग रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके ;

3. अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त मद्रास के समक्ष हाजिर हों।

[फा. सं. 673/50/94—सी. शु.-8]

रूप चन्द, अवर सचिव

(Department of Revenue)

ORDER

New Delhi, the 3rd January, 1995

S.O. 52.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/50/94-Cus. VIII dated 27-4-94 under the said sub-section directing that Shri Jainulabdeen Jaile, S/O Seeni Mohammed, 20/2, Parthasarthy Naidu Lane, I Floor, Chepauk, Madras (ii) No.

1/67 Vilathikulam, Ramanathapuram Distt. (Native Place), Tamil Nadu be detained and kept in custody in the Central Prison, Madras with a view to preventing him from acting in any manner prejudicial to the Conservation of Foreign Exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs that aforesaid person to appear before the Commissioner of Police, Madras within 7 days of the publication of this order in the official Gazette

[Fo No. 673/50/94-Cus. VIII]

ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 3 जनवरी 1995

का. आ. 53.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/162/90-सी. शु. दिनांक 22-6-90 को यह निदेश जारी किया था कि श्री के. सदाकथुल्ला सुपुल स्वर्गीय श्री सईद मोहम्मद मलिक मोहम्मद, लेवई हाऊस, पोस्ट आफिस, थिरुविथानकोडे, जिना कन्याकुमारी, तमिलनाडु मद्रास को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मद्रास में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के वर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके ;

3. अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस अधीक्षक, कन्याकुमारी, तमिल नाडू, मद्रास के समक्ष हाजिर हों।

[फा. सं. 673/162/90-सी. शु.-8]

रूप चन्द, अवर सचिव

ORDER

New Delhi, the 3rd January, 1995

S.O. 53.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order

F. No. 673/162/90-CUS. VIII dated 22-06-90 under the said sub-section directing that Shri K. Sadakathulla S/o Late Syed Mohd., Malik Mohd. Libbaj House, Thiruvithancode, P. O. Kanyakumari Dt. Tamilnadu be detained and kept in custody in the Central Prison, Madras with a view to preventing him from acting in any manner prejudicial to the augmentation of Foreign Exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs that aforesaid person to appear before the Superintendent of Police, Kanyakumari Dist. Tamil Nadu within 7 days of the publication of this order in the Official Gazette,

[F. No. 673/162/90-CUS. VIII]

ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 3 जनवरी, 1995

का. आ. 54.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश फा. सं. 673/188/91-सी. शु.-8 दिनांक 24-4-1991 को यह निदेश जारी किया जो कि श्री कपिल चड्ढा सुपुल श्री बंदा चड्ढा जनरल मैनजर मंसस आई.टी. सी. लि. पैकिंग एवं प्रिटिंग विभाग नं. 90 चैम्पस रोड, मद्रास-18 (2) नं.-4. वोट क्लब रोड, 3 ऐक्व्यू, मद्रास-28 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, मद्रास में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संरक्षण और वर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके ;

3. अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस अधीक्षक, मद्रास के समक्ष हाजिर हों।

[फा. सं. 673/188/91-सी. शु.-8]

रूप चन्द, अवर सचिव

ORDER

New Delhi, the 3rd January, 1995

S.O. 54.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/188/91-Cus. VIII dated 24-4-91 under the said sub-section directing that Shri Kapil Chadha S/o Shri Ved Prakash Chadha, General Manager, M/s. I.T.C. Limited, Packaging & Printing Division, No. 90, Chamera Road, Madras-18. (ii) No. 4, Boat Club Road, III Avenue, Madras-28 be detained and kept in custody in the Central Prison, Madras with a view to preventing him from acting in any manner prejudicial to the Conservation & Augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs that aforesaid person to appear before the Commissioner of Police, Madras within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/188/91-CUS. VIII]

ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 3 जनवरी, 1995

का. आ. 55.—भारत सरकार के संयुक्त सचिव ने जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा के अधीन आदेश का सं. 673/565/89 सी. ए. दिनांक 28-11-89 को यह निर्देश जारी किया था कि श्री जे. मोहम्मद रफीक सुपुत्र श्री ए. एम. जमाल, प्लॉट नं. 229 अन्ना नगर मद्रुरै, मद्रास को निहट कर दिया जाए और केन्द्रीय कारागार, मद्रास में अतिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संवर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिसे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस अधीक्षक, जिला मद्रुरै, मद्रास के समक्ष हजरि हों।

[फा. सं. 673/565/89-सी. ए.-8]

रूप चन्द, अवर सचिव

ORDER

New Delhi, the 3rd January, 1995

S.O. 55.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued order F. No. 673/565/89-CUS. VIII dated 28-11-89 under the said sub-section directing that Shri J. Mohammed Rafeek, S/o Shri A. M. Jamal, Plot No. 229, Anna Nagar, Madurai, be detained and kept in custody in the Central Prison, Madras with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs that aforesaid person to appear before the Superintendent of Police, Madras within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/565/89-CUS. VIII]

ROOP CHAND, Under Secy.

नागरिक पूति, उपभोक्ता मामले और मावजनिक

वितरण मंत्रालय

नई दिल्ली, 30 दिसम्बर, 1994

का. आ. 56.—केन्द्रीय सरकार का निहित आश्रित्यकारी द्वारा उसे निर्दिष्ट रिपोर्ट पर दिवार करने के पश्चात्, सजावान हो जाता है कि उक्त रिपोर्ट में दर्जित वाउन बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुगोचन) नियम, 1987 के उपधारा के अनुगम है और इस बात को सम्भावना है कि वह लगातार प्रयोग की अध्रियां से यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा करता रहेगा।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 'एल्टरपान'—2000 मिमीज काउड नाम 'एल्टर' (जिसे हमसे इसके पश्चात् माडल कहा गया है) के अतः सूचक गैर-सम्बालित तोछन उपकरण के माडल का जिसका धिनिर्माण मैसूर उल्टर इन्स्ट्रुमेंट इन्स्ट्रुमेंट प्राइवेट लिमिटेड, II, अजली, रेडियो क्लब के पीछे कोलाबा, मुम्बई-400 005 द्वारा किया

गया है और जिसे अनुमोदन चिह्न आई एस डी/01/94/39-समावेशित किया गया है, अनुमोदन प्रमाणित प्रदर्शित करता है।



आकृति-1

ग्रे, कच्चा, सरकार, उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करता है कि भारत के अनुमोदन के इस प्रमाण-पत्र के अन्तर्गत उक्त विनिर्देश द्वारा उक्त सिद्धांत के अनुसार और उक्त सामग्री से जिससे अनुमोदित मॉडल को विनिर्माण किया गया है, विनिर्भित 500 ग्राम, 1 किलोग्राम, 2 किलोग्राम, 10 किलोग्राम और 20 किलोग्राम की अधिकतम क्षमता वाली उक्त सेवा, यथार्थता और कार्यकरण "एल्डरपान-2000 सिरीज" और अतिरिक्त गणना प्रणाली के साथ उपरोक्त अधिकतम क्षमता वाली "एल्डरपान-3000 सिरीज" के तौलन उपकरण भी हैं। 280 मि.मी. x 200 मि.मी. आयताकार आकार भारतीय का भी उपयोग किया जा सकता है।

मॉडल (आकृति 1 देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग 3) वाला तौलन उपकरण है जिसकी अधिकतम क्षमता 5 किलोग्राम और न्यूनतम क्षमता 20 ग्राम है। स्थापन मापमान अंतर 1 ग्राम है। इसमें एक टैर देवर बुनिया है जिसका व्यकलता-अंक प्रति धारण टैर प्रभाव 100 प्रतिशत है। छात्र और भारतीय क्रमशः मृदु स्टील और स्टेनलेस स्टील से निर्मित हैं। प्लेटफॉर्म दर्शक आकृति का है जिसकी पार्श्व लम्बाई 280 मि.मी. है। प्रकाश उत्सर्जक डायोड मण्डल तौल परिणाम उपदर्शित करता है। यह उपकरण 230 वॉल्ट, 50 हर्ट्ज के प्रत्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।

[फा. न. डब्ल्यू एम-21(47)/92]

राजीव श्रीवास्तव, संयुक्त सचिव

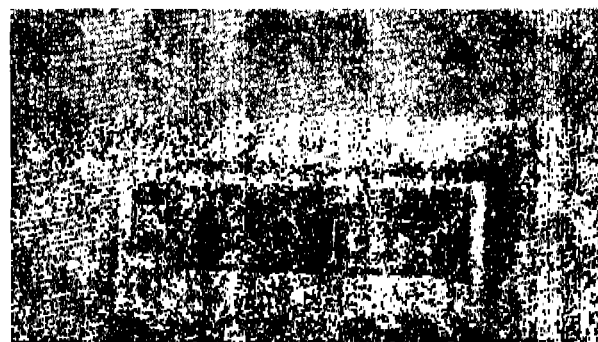
MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

New Delhi, the 30th December, 1994

S.O. 56.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report is in conformity with the provisions of the Standards of Weights and Measures Act, 1976

(60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of self-indicating, non-automatic weighing instrument of 'ELDERPAN' 2000-SERIES with brand name 'ELDER' (hereinafter referred to as the Model) manufactured by M/s. Elder Industrial Instruments Private Limited, 11, Anjali, Behind Radio Club, Colaba, Bombay-400005 and which is assigned the approval mark IND/01/94/39.



(Figure 1)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument with similar make, accuracy and performance of Elderpan-2000 series and with maximum capacity of 500 g, 1 kilogram, 2 kilogram, 10 kilogram, 20 kilogram and that of 'Elderpan-3000' series in the above maximum capacities and with additional counting facility manufactured by the same manufacturer in accordance with the same principle and with the same materials with which, the approved Model has been manufactured. The load receptor of rectangular shape with dimension 280 millimeter by 200 millimeter shall also be allowed to be used.

The Model (see figure 1) is a medium accuracy (Accuracy class III) weighing instrument with a maximum capacity of 5 kilogram and a minimum capacity of 20 gram. The verification interval (e) is 1 gram. It has a tare device with a 100 per cent subtractive retained tare effect. The housing and the load receptor are made up of mild steel and stainless steel respectively. The platform is square in shape with side length of 280 millimeter. The Light Emitting Diode display indicates the weighing result. The instrument operates on 230 volt, 50 hertz alternate current power supply.

[F. No. WM-21(47)/92]

RAJIV SRIVASTAVA, Jt. Secy.

मानव संसाधन विकास मंत्रालय

(महिला एवं बाल विकास विभाग)

पूर्व विन्यास अधिनियम 1890 (1890 का 6) के माफ़े में
राष्ट्रीय बाल कोष नई दिल्ली के माफ़े में

नई दिल्ली, 21 दिसम्बर, 1994

का.प्रा. 57—राष्ट्रीय बाल कोष नई दिल्ली के प्रबंधक द्वारा किए आदेशन किए आदेशन पर और उनकी सहमति से पूर्व विन्यास अधिनियम 1890 (1890 का 6) के खण्ड 10(2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आदेश देती है कि नीचे दिए गए धरारे के अनुसार रु. 10,26,700 (दस लाख छब्बीस हजार सात सौ केवल मात्र) सिचिकेट बैंक, हाउसहास, नई दिल्ली में 90 दिन के लिए फिक्स्ड डिपॉजिट योजना के अंतर्गत 7% की व्याज दर से 27-11-94 को पुनः निवेश की गई :

क्रम सं.	राशि	पिछले निवेश की तारीख	भुगतान की तारीख	अभियुक्तियों की तारीख
1. रु.	10,17,722	12-10-94	27-11-94	
	(भुगतान तारीख के साथ देय राशि)			
रु.	10,26,700/-)			

2. भारत सरकार के तत्कालीन समाज कल्याण विभाग के विनांक 2 मार्च, 1979 के समय-समय पर यथा संशोधित सं.प्रा. 120(ई) की प्रक्रिया के द्वारा प्रकृति राष्ट्रीय बाल कोष, नई दिल्ली के संचालन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त सीता भारतीय पूर्व विन्यास के खातों के नाम होगा।

[सं. 13-6/94- टी धारा]

रतन चन्द, अवर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Women & Child Development)

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT 1890
(6 of 1890)

IN THE MATTER OF THE NATIONAL CHILDREN'S FUND, NEW DELHI

New Delhi, the 21st December, 1994

S.O. 57.—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi and in exercise of the powers conferred by Section 10(2) of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 10,26,700 (Rupees Ten lakh Twenty-six thousand seven hundred only) as per particulars given below be reinvested in Fixed of Deposit Scheme for 90 days in Syndicate Bank, Hauz Khas, New Delhi, at the rate of interest 7 per cent per annum w.e.f. 27th November, 1994.

Sl. No.	Amount	Date of Previous Investment	Date of Maturity	Remarks
1.	Rs. 10,17,722	12-10-1994	27-11-1994	
	(Maturity Value—Rs. 10,26,700/-)			

2. The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi published with the Notification of the Government of India in the then Department of Social Welfare No. S.O. 120(E) dated the 2nd March, 1979 as amended from time to time.

[F. No. 13-6/94-TR]

RATTAN CHAND, Under Secy.

पेट्रोलियम एवं प्राकृतिक गैस मंत्रालय

नई दिल्ली, 26 दिसम्बर, 1994

का.प्रा. 58—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि बिजपुर से दाररी तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग अधिकार का अर्जन) (अधिनियम, 1962) (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना धारण एतद्वारा घोषित किया है।

बशर्ते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सूक्ष्म प्राधिकारी गैस अधारिटी आफ इंडिया लि. होदल प्रताप पैलेस, भरतपुर को इस अधि-सूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट या यह भी कथन करेगा कि क्या वह चाहता है कि उसकी सुवर्गी व्यक्तिगत रूप से हो या किसी विधि व्यवसायी के माफ़े में।

अनुसूची

एच.वी.जे. अपरोक्ष गैस पाइप लाइन प्रोजेक्ट

ग्राम : तमोटी

तहसील : बाडी जिला : धोलपुर

ग्राम का नाम	असराज	ऐरिया			
		है.	एकर	व.म.	विवरण
1	2	3	4	5	6
तमोटी	734	—	24	00	
	735	—	23	10	
योग—	2		47	10	

1	2	3	4	5	6	1	2	3	4	5	6
इप्राहिमपुर	1	--	30	00		इप्राहिमपुर	382	--	13	80	
	4	--	56	73			384	--	12	30	
	8	--	7	80			390	--	12	29	
	9	--	12	60			395	--	2	40	
	10	--	4	20			396	--	9	10	
	12	--	10	50			399	--	8	90	
	14	--	10	80			400	--	9	00	
	17	--	05	10							
	18	--	13	50			योग	62	9	95	85
	23	--	15	60							
	24	--	00	90		रेवई	45	--	00	60	
	26	--	21	00			46	--	06	00	
	27	--	6	90			47	--	06	60	
	28	--	24	30			48	--	21	00	
	34	--	00	60			49	--	15	30	
	35	--	21	00			50	--	14	40	
	36	--	05	40			51	--	15	90	
	37	--	21	60			52	--	11	70	
	38	--	1	75			53	--	10	20	
	46	--	18	60			54	--	01	20	
	47	--	18	30			71	--	00	77	
	58	--	18	90			75	--	16	20	
	59	--	19	20			88	--	16	20	
	60	--	15	00			89	--	08	40	
	61	--	9	90			90	--	09	00	
	63	--	18	30			113	--	16	20	
	66	--	22	50			115	--	17	10	
	67	--	12	90			124	--	10	30	
	68	--	18	00			125	--	22	50	
	69	--	14	40			162	--	15	00	
	70	--	18	00			163	--	20	40	
	71	--	24	05			176	--	03	30	
	72	--	21	60			177	--	15	30	
	73	--	6	30			179	--	01	59	
	74	--	7	20			229	--	01	27	
	75	--	23	10			230	--	06	60	
	76	--	34	41			231	--	09	60	
	77	--	1	80			232	--	07	20	
	78	--	6	00			233	--	10	80	
	247	--	52	20			270	--	13	30	
	250	--	11	40			659	--	15	00	
	251	--	59	12			658	--	12	30	
	252	--	10	80			660	--			
	253	--	6	00			661	--	04	20	
	314	--	70	40			665	--	19	80	
	331	--	13	20			666	--	00	60	
	332	--	10	80			683	--	07	20	
	339	--	8	70			684	--	01	50	
	340	--	1	20			685	--	08	70	
	341	--	27	00			686	--	00	30	
	343	--	24	60			687	--	15	90	
	344	--	12	60			688	--	20	70	
	372	--	7	20			689	--	02	10	
	379	--	0	60			691	--	15	90	
	380	--	15	90			692	--	00	60	

1	2	3	4	5	6	1	2	3	4	5	6	
रेमई	693	--	02	40		निघारा	207	--	33	90		
	695	--	02	40		208	--	25	80			
	699	--	01	50		214	--	2	40			
	700	--	18	50		220	--	6	60			
	701	--	00	30		222	--	28	20			
	706	--	00	60		223	--	9	60			
	707	--	11	10		224	--	2	40			
	708	--	11	10		225	--	18	00			
	709	--	13	80		226	--	23	05			
	710	--	07	80		227	--	3	90			
	711	--	06	00		229	--	2	40			
	712	--	07	20								
	713	--	10	50		योग	11		1	56	25	
	714	--	12	00								
	715	--	13	50								
	716	--	00	60		मध निघारा	59	--	1	50		
	740	--	03	60		62	--	7	20			
	814	--	04	80		63	--	8	10			
	815	--	18	60		73	--	5	40			
	817	--	01	50		76	--	12	90			
रेमई	918	--	06	30		77	--	23	40			
	819	--	12	30		79	--	1	20			
	820	--	10	20		80	--	6	00			
	821	--	22	80		81	--	23	10			
	822	--	02	70		82	--	17	70			
	824	--	01	20		83	--	4	20			
	860	--	04	20		84	--	1	19			
	861	--	02	45		91	--	4	80			
	1085	--	02	10		92	--	22	20			
	1086	--	19	80		97	--	4	50			
	1088	--	03	60		98	--	11	40			
	1089	--	06	28		99	--	1	20			
	1090	--	01	50		179	--	8	10			
	1097	--	00	30								
	1098	--	09	00		योग	18		1	64	09	
	1099	--	13	50								
	1100	--	15	60								
	सनीपुर	1101	--	13	80		310	--	1	50		
		1102	--	01	20		311	--	25	50		
		1103	--	16	20		312	--	7	20		
1104		--	14	40		313	--	2	10			
1108		--	15	60		319	--	1	50			
1109		--	09	38		355	--	3	60			
1115		--	03	30		361	--	4	50			
						362	--	16	20			
						363	--	13	50			
						364	--	16	80			
						365	--	14	10			
						365/1	--	2	70			
						366	--	2	10			
						371	--	21	60			
						372	--	09	90			
						374	--	9	70			
						375	--	13	20			
						376	--	12	50			
						377	--	0	60			
सोनपुर												
	योग	88	8	05	04							
	421	--	00	90								
	422	--	29	40								
	423	--	11	10								
	424	--	39	60								
	425	--	01	20								
	883	1	12	91								
	890	--	07	20								
	योग	7	2	02	91							

1	2	3	4	5	6	1	2	3	4	5	6
सतीपुर	381	---	2	10		उमरेह	1574/2	---	21	60	
	382	---	9	90			1601	---	02	70	
	383	---	10	50			1602/1	---	13	50	
	384	---	5	60			1602/2	---	11	10	
	437	---	8	70			1603	---	10	50	
	438	---	5	40			1604	---	13	50	
	439	---	13	80			1609	---	00	30	
	440	---	24	00			1615	---	01	50	
	441	---	7	20			1610	---	11	30	
	555	---	5	70			1641	---	00	52	
	1153	---	12	14			1642	---	00	90	
	1155	---	12	00			1643	---	07	80	
	1156	---	9	00			1662	---	18	30	
	1157	---	0	60			1666	---	18	00	
	1161	---	0	90			1667	---	00	60	
	1166	---	2	70			1668	---	29	40	
	1168	---	8	10			1669	---	04	20	
	1169	---	12	30			1688	---	10	80	
	1170	---	12	30			1689	---	10	50	
	1171	---	5	10			1690	---	03	90	
	1173	---	0	90			1691	---	13	20	
	1175	---	10	50			1692	---	19	20	
	1174	---	4	80			1693	---	07	80	
	1176	---	7	80			1695	---	02	10	
	1288	---	0	90			1741/2	---	04	50	
	1289	---	22	50			1742	---	09	30	
	1290	---	3	90			1743	---	07	80	
	1291	---	36	46			1744	---	10	50	
	1292	---	27	22			1746	---	01	60	
	1293	---	28	80			1747	---	09	00	
	1296	---	10	20			1750/2	---	02	40	
	1299	---	1	22			1854	---	00	60	
योग	51	4	93	46			1856	---	14	70	
							1859	---	15	00	
							1860	---	00	60	
							1862	---	06	90	
							1866	---	13	20	
							1867	---	01	70	
							1869	---	06	00	
							1870	---	01	80	
							1871	---	06	30	
							1869	---	06	30	
							1871	---	02	70	
							1973	---	00	30	
							1974	---	14	40	
							1986	---	07	50	
							1987	---	11	40	
							1944	---	00	46	
							1995	---	11	70	
							1996	---	02	40	
							2051	---	00	60	
							2053	---	10	50	
							2054	---	09	60	
							2055	---	00	30	
							2064	---	08	70	
उमरेह	1226	---	19	50							
	1227	---	37	50							
	1230	---	02	10							
	1231	---	04	50							
	1234	---	00	60							
	1515	---	09	00							
	1516	---	13	20							
	1517	---	01	50							
	1518	---	10	50							
	1524	---	00	41							
	1525	---	09	90							
	1528	---	06	90							
	1528	---	11	70							
	1529	---	11	70							
	1530	---	10	80							
	1574/1	---	43	80							

1	2	3	4	5	6	1	2	3	4	5	6
उमरेह	2065	--	05	40		नादरोली	156	--	12	00	
	2066	--	09	90			159	--	12	00	
	2071	--	06	30			160	--	07	50	
	2072	--	02	10			161	--	08	10	
	2073	--	11	70			162	--	01	80	
	2091	--	05	40			165	--	14	70	
	2092	--	08	70			166	--	14	70	
	2163	--	01	50			286	--	00	60	
	2165	--	07	20			287	--	10	80	
	2166	--	01	50			288	--	11	10	
	2167	--	06	30			289	--	00	31	
	2168	--	02	40			296	--	10	20	
	2169	--	01	80			297	--	03	60	
	217	--	01	20			298	--	19	20	
	2170	--	06	60			301	--	03	90	
	2184	--	07	80			302	--	10	20	
	2185	--	13	80			303	--	00	30	
	2186	--	00	60			306	--	05	10	
	2189	--	04	20			307	--	30	00	
	2190	--	04	20			342	--	00	60	
	2191	--	07	80			343	--	15	60	
	2192	--	09	00			344	--	02	40	
	2193	--	02	10			345	--	03	00	
	2194	--	03	30			346	--	13	20	
	2240	--	06	60			403	--	07	50	
	2241	--	12	60			406	--	00	60	
	2242	--	11	70			407	--	12	00	
	2243	--	12	30			408	--	09	60	
	2245	--	09	60			409	--	09	90	
	2246	--	08	60			410	--	00	30	
	2261	--	02	10			413	--	04	50	
	2262	--	03	00			527	--	06	60	
	2270	--	01	50			625	--	34	80	
	1233/2420	--	15	60			630	--	26	10	
	1513/2465	--	01	50			632	--	28	80	
	1523/2466	--	16	80			637	--	02	40	
	1518/2467	--	09	60			642	--	02	40	
	1528/2472	--	00	30			643	--	12	00	
	1604/2499	--	08	40			652	--	02	70	
	1974/2537	--	12	00			653	--	06	60	
	1501/2543	--	01	20			654	--	21	00	
	1501/2544	--	03	90			655	--	07	80	
	1747/2545	--	00	41			656	--	00	68	
	2073/2553	--	01	20			657	--	11	70	
	2074/2560	--	03	90			658	--	08	70	
	2178/2565	--	01	80			659	--	02	70	
	2183/2568	--	00	66			662	--	17	40	
							674	--	08	10	
							693	--	63	00	
							705	--	07	12	
							706	--	17	10	
							707	--	18	00	
							712	--	02	93	
							713	--	17	10	
							714	--	15	60	
							715	--	04	80	
योग	118	09	15	66							
नादरोली	102	--	28	80							
	103	--	01	20							
	140	--	13	50							
	141	--	14	70							
	142	--	01	95							
	155	--	07	20							

1	2	3	4	5	6
	716	--	33	30	
	735	--	04	22	
	289/738	--	00	60	
	632/747	--	12	30	
	66	07	19	21	
बम्हरा	01	--	02	10	
	04	--	07	80	
	05	--	22	80	
	06	--	14	10	
	09	--	17	70	
	10	--	24	30	
	11	--	18	90	
	12	--	03	30	
	14	--	02	84	
	15	--	33	00	
	16	--	10	50	
	21	--	02	70	
	22	--	09	00	
	23	--	11	10	
	24	--	00	60	
	31	--	01	20	
	80	--	02	70	
	81	--	20	70	
	82	--	15	90	
	83	--	15	30	
	84	--	06	30	
	178	02	41	50	
	218	--	04	50	
	220	--	02	10	
	221	--	01	50	
	222	--	02	10	
	223	--	00	60	
	224	--	00	60	
	249	--	16	53	
	250	02	78	73	
	250/1/260	--	37	37	
	249/265	--	31	50	
जोड़	32	08	59	87	
शेहरी नं. 2	194	03	92	30	
	422	--	10	80	
	423	--	13	80	
	426	--	23	40	
	427	--	00	46	
	428	--	19	50	
	431	--	12	00	
	194/438	--	34	20	
	194/446	--	13	10	
	194/467	--	30	00	
योग	10	07	49	76	

ग्राम : इन्वीरा	तह. बारी	उप तह. सरमपुरा	जिला : धौलपुर		
ग्राम का नाम	खसरा नं.	क्षेत्र			बि. वि.
		हे.	ऐयर	वर्ग मी.	
1	2	3	4	5	6
इन्वीरा	11	2	06	10	
ग्राम : शाहापुरगुर्ज	तहसील : बारी	जिला : धौलपुर			
ग्राम का नाम	खसरा नं.	क्षेत्र			विवरण
		हे.	ऐयर	व.मी.	
1	2	3	4	5	6
शाहापुरगुर्ज	178	--	02	40	
	187	--	43	50	
	193	--	00	90	
	194	--	05	40	
	195	--	09	00	
	196	--	01	80	
	197	--	03	60	
	199	--	00	90	
	200	--	00	60	
	201	--	08	10	
	202	--	07	50	
	203	--	01	50	
	204	--	02	40	
	236	--	05	40	
	255	--	47	70	
	256	--	01	80	
	257	--	20	70	
	258	--	03	60	
	259	--	00	90	
	260	--	02	40	
	261	--	47	70	
	341	--	04	80	
	342	--	18	90	
	343	--	00	60	
	397	3	67	80	
	398	--	03	60	
	399	--	00	60	
	400	--	00	60	
	407	--	01	80	
	437	2	95	50	
	624	3	53	70	
	1562	2	81	70	
	नाला	--	14	40	
योग	33	15	61	80	

1	2	3	4	5	6
सेवर पाली	001	3	00	00	
	103	—	13	80	
	814	—	11	40	
	815	—	03	90	
	816	—	10	50	
	817	—	00	60	
	818	—	00	30	
	819	—	03	00	
	821	—	19	20	
	838	—	43	50	
	897	—	14	70	
	898	—	24	90	
	899	—	34	80	
	900	—	04	80	
	953	—	27	00	
	1020	—	04	80	
	1021	—	09	30	
	1022	—	03	00	
	1023	—	12	00	
	1024	—	01	50	
	1027	—	06	00	
	1028	—	14	40	
	1029	—	04	80	
	1032	—	03	60	
	1033	—	07	50	
	1034	—	13	50	
	1057	—	01	50	
	1058	—	03	60	
	1059	—	03	00	
	1061	—	57	00	
	1062	—	10	20	
	1125	—	67	80	
	1142	—	07	50	
	1143	—	16	80	
	1145	1	21	80	
	1147	—	06	60	
	1148	—	01	50	
	1149	—	03	00	
	1150	—	13	50	
	1151	—	15	90	
	1153	—	18	60	
	1163	2	48	70	
	1329	—	42	00	
	30/1332	4	20	90	
	1346/1163	—	72	30	
योग	45	17	25	00	

MINISTRY OF PETROLEUM & NATURAL GAS

New Delhi, the 26th December, 1994

S.O. 58.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas H.B.J. Upgradation Project work in Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. H.B.J. Upgradation Gas Pipeline Project, Hotel Pratap Palace, Bharatpur (Raj.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

H.B.J. Upgradation Gas Pipeline Project

Village—Tamoti, Teh.—Bari, Dist.—Dholpur

Name of village	Jhasra	Area			Others
		Hec.	Are.	Met. Square	
1	2	3	4	5	6
Tamoti	734		24	00	
	735		23	10	
TOTAL	2		47	10	
Ibrahimpur	1		30	00	
	4		56	73	
	8		7	80	
	9		12	60	
	10		4	20	
	12		10	50	
	14		10	80	
	17		5	10	
	18		13	50	
	23		15	60	
	24		0	90	
	26		21	00	
	27		6	90	
	28		24	30	
	34		0	60	
	35		21	00	
	36		5	40	
	37		21	60	
	38		1	75	
	46		18	60	
	47	18	30	30	
	58		18	0	
	59		19	2	

[सं. एल-14016/06/94-जी.पी.]

अर्जेंचु सेन, निदेशक

1	2	3	4	5	6	1	2	3	4	5	6
Ibrahimpur	60		15	00		Rabai	230		6	60	
	61		90	90			231		9	60	
	63		18	30			232		7	20	
	66		22	50			233		10	80	
	67		12	90			270		13	80	
	68		18	00			659		15	00	
	69		14	40			658/		12	30	
	70		18	00			660				
	71		24	05			661		4	20	
	72		21	60			665		19	80	
	73		6	30			666		0	60	
	74		7	20			683		7	20	
	75		23	10			684		1	50	
	76		34	41			685		8	70	
	77		1	80			686		0	30	
	78		6	00			687		15	90	
	247		25	20			688		20	70	
	250		11	40			689		2	10	
	251		59	12			691		15	90	
	252		10	80			692		0	60	
	253		6	00			693		2	40	
	312		70	40			695		2	40	
	331		13	20			699		1	50	
	332		10	80			700		18	30	
	339		8	70			701		0	30	
	340		1	20			706		0	60	
	341		27	60			707		11	10	
	343		24	60			708		11	10	
	344		12	60			709		13	80	
	372		7	20			710		7	80	
	379		0	60			711		6	00	
	380		15	90			712		7	20	
	382		13	80			713		10	50	
	384		12	30			714		12	00	
	390		12	29			715		13	50	
	395		2	40			716		0	60	
	396		8	10			740		3	60	
	399		6	90			814		4	80	
	400		9	00			815		18	60	
							817		1	50	
							818		6	30	
							819		12	30	
							820		10	20	
							821		22	70	
							822		2	70	
							824		1	20	
							860		4	20	
							861		2	45	
							1085		2	10	
							1086		19	80	
							1088		3	60	
							1089		6	28	
							1090		1	50	
							1097		0	30	
							1098		9	00	
							1099		13	50	
							1100		15	60	
							1101		13	80	
							1102		1	20	
							1103		16	20	
							1104		14	40	
							1108		15	60	
							1115		3	30	
							1109		9	38	

1	2	3	4	5	6	1	2	3	4	5	6
Tontpur	421		0	90		Sanipur	382		9	90	
	422		29	40			383		10	50	
	423		11	10			384		5	60	
	424		39	60			437		8	70	
	425		1	20			438		5	40	
	883	1	12	91			439		13	80	
	890		7	80			440		24	00	
							441		7	20	
TOTAL	7	2	02	91			555		5	70	
							1153		12	14	
Nidhara	207		33	90			1155		12	00	
	208		25	80			1156		9	00	
	214		2	40			1157		0	60	
	220		6	60			1161		0	90	
	222		28	20			1166		2	70	
	223		9	60			1168		8	10	
	224		2	40			1169		12	30	
	225		18	00			1170		12	30	
	226		23	05			1171		5	10	
	227		3	90			1173		0	90	
	229		2	40			1174		4	80	
							1175		10	50	
TOTAL	11	1	56	25			1176		7	80	
							1288		0	90	
Rundh Nidhara	59		1	50			1289		22	50	
	62		7	20			1290		3	90	
	63		8	10			1291		36	46	
	73		5	40			1292		27	22	
	76		12	90			1293		28	80	
	77		23	40			1296		10	20	
	79		1	20			1299		1	20	
	80		6	00							
	81		23	10			TOTAL	51	4	93	46
	82		17	70							
	83		4	20		Umreh	1226	—	19	50	
	84		1	19			1227	—	37	50	
	91		4	80			1230	—	02	10	
	92		22	20			1231	—	04	50	
	97		4	50			1234	—	00	60	
	98		11	40			1515	—	09	00	
	99		1	20			1516/1	—	13	20	
	179		8	10			1517	—	01	50	
							1518	—	10	50	
TOTAL	18	1	64	09			1524	—	00	41	
							1525	—	09	90	
Sanipur	310		1	50			1526	—	06	90	
	311		25	50			1528	—	11	70	
	312		7	20			1529	—	11	70	
	313		2	10			1530	—	10	80	
	319		1	50			1574/1	—	43	80	
	355		3	60			1574/2	—	21	60	
	361		4	50			1601	—	02	70	
	362		16	20			1602/1	—	13	50	
	363		13	50			1602/2	—	11	10	
	364		16	80			1603	—	10	50	
	365		14	10			1604	—	13	50	
	365/1		2	70			1609	—	00	30	
	366		2	10			1615	—	01	50	
	371		21	60			1640	—	12	30	
	372		0	90			1641	—	00	52	
	374		9	74			1642	—	00	90	
	375		13	20			1643	—	07	80	
	376		12	90			1662	—	18	30	
	377		0	60			1666	—	18	00	
	381		2	10			1667	—	00	60	
							1668	—	29	40	

1	2	4	4	5	6	1	2	3	4	5	6
Umreh Contd	1669	—	04	20		Umreh Contd	2242	—	11	70	
	1688	—	10	80			2243	—	12	30	
	1689	—	10	50			2245	—	09	60	
	1690	—	03	90			2246	—	06	60	
	1691	—	13	20			2261	—	02	10	
	1692	—	19	20			2262	—	03	00	
	1693	—	07	80			2270	—	01	50	
	1695	—	02	10			1223/2420	—	15	60	
	1741/2	—	04	50			1518/2465	—	01	50	
	1742	—	09	30			1523/2466	—	16	80	
	1743	—	07	80			1518/2467	—	09	60	
	1744	—	10	50			1528/2472	—	00	30	
	1746	—	09	60			1604/2499	—	08	40	
	1747	—	09	00			1974/2537	—	12	00	
	1760/2	—	02	40			1501/2543	—	01	20	
	1854	—	00	60			1501/2544	—	03	90	
	1856	—	14	70			1747/2545	—	00	41	
	1859	—	15	00			2073/2553	—	01	20	
	1860	—	00	60			2074/2560	—	03	90	
	1862	—	06	90			2178/2565	—	01	80	
	1866	—	13	20			2183/2568	—	00	66	
	1867	—	08	70							
	1869	—	06	00		Total	118	09	15	66	
	1870	—	01	80							
	1871	—	06	30							
	1969	—	06	30		Nadrol	102	—	28	80	
	1971	—	02	70			103	—	01	20	
	1973	—	00	30			140	—	13	50	
	1974	—	14	40			141	—	14	70	
	1986	—	07	50			142	—	01	95	
	1987	—	11	40			155	—	07	20	
	1994	—	00	46			156	—	12	00	
	1995	—	11	70			159	—	12	00	
	1996	—	02	40			160	—	07	50	
	2051	—	00	60			161	—	08	10	
	2053	—	10	50			162	—	01	80	
	2054	—	09	60			165	—	14	70	
	2055	—	00	30			166	—	14	70	
	2064	—	08	70			286	—	00	60	
	2065	—	05	40			287	—	10	80	
	2066	—	09	90			288	—	11	10	
	2071	—	06	30			289	—	00	31	
	2072	—	02	10			296	—	10	20	
	2073	—	11	70			297	—	03	60	
	2091	—	05	40			298	—	19	20	
	2092	—	08	70			301	—	03	90	
	2163	—	01	50			302	—	10	20	
	2165	—	07	20			303	—	00	30	
	2166	—	01	50			306	—	05	10	
	2167	—	06	30			307	—	30	00	
	2168	—	02	40			342	—	00	60	
	2169	—	01	80			343	—	15	60	
	2177	—	01	20			344	—	02	40	
	2179	—	06	60			345	—	03	00	
	2184	—	07	80			346	—	13	20	
	2185	—	13	80			405	—	07	50	
	2186	—	00	60			406	—	00	60	
	2189	—	04	20			407	—	12	00	
	2190	—	04	20			408	—	09	60	
	2191	—	07	80			409	—	09	90	
	2192	—	09	00			410	—	00	30	
	2193	—	02	10			413	—	04	50	
	2194	—	03	30			527	—	06	60	
	2240	—	06	60			625	—	34	80	
	2241	—	12	60			630	—	26	10	
							632	—	28	80	

1	2	3	4	5	6
Nadrolī	637	—	02	40	
	642	—	02	40	
	643	—	12	00	
	652	—	02	70	
	653	—	06	60	
	654	—	21	00	
	655	—	07	80	
	656	—	00	68	
	657	—	11	70	
	658	—	08	70	
	659	—	02	70	
	662	—	17	40	
	674	—	08	10	
	693	—	63	00	
	705	—	07	12	
	706	—	17	10	
	707	—	18	00	
	712	—	02	93	
	713	—	17	10	
	714	—	15	60	
	715	—	04	80	
	716	—	33	30	
	735	—	04	22	
	289/738	—	00	60	
	632/747	—	12	30	
Total	66	07	19	21	

Jamhura

01	—	02	10
04	—	07	80
05	—	22	80
06	—	14	10
09	—	17	70
10	—	24	30
11	—	18	90
12	—	03	30
14	—	02	84
15	—	33	00
16	—	10	50
21	—	02	70
22	—	09	00
23	—	11	10
24	—	00	60
31	—	01	20
80	—	02	70
81	—	20	70
82	—	15	90
83	—	15	30
84	—	06	30
178	02	41	50
218	—	04	50
220	—	02	10
221	—	01	50
222	—	02	10
223	—	00	60
224	—	00	60
249	—	16	53
250	02	78	73
250/1/260	—	37	37
249/265	—	31	50

Total

32 08 59 87

1	2	3	4	5	6
Sahedi No. 2	194	05	92	50	
	422	—	10	80	
	423	—	13	80	
	426	—	23	40	
	427	—	00	46	
	428	—	19	50	
	431	—	12	00	
	194/438	—	34	20	
	194/446	—	13	10	
	194/467	—	30	00	
Total	10	07	49	76	

H.B.J. Upgradation Gas Pipeline

Village: Indora, Teh-Bari Sub Teh Sarmathura, Distt. Dholpur

Name of Village	Khasra	Area		Others	
		Hec.	Are.	Met.	Sq.
1	2	3	4	5	6
Indora.	11	2	06	10	

Name Village--Shapur Gurja, Teh. Bari, Distt. Dholpur.

Name of Village.	Khasra.	Area		Other	
		Hect.	Are.	Met sq.	
1	2	3	4	5	6
Shapur Gurja	178		2	40	
	187		43	50	
	193			90	
	194		5	40	
	195		9	1,00	
	196		1	80	
	197		3	60	
	199			90	
	200			60	
	201		8	10	
	202		7	50	
	203		1	50	
	204		2	40	
	236		5	40	
	255		47	70	
	256		1	80	
	257		20	70	
	258		3	60	
	259			90	
	260		2	40	
	261		47	70	
	341		4	80	
	342		18	90	
	343			60	
	397		67	80	
	398		3	60	
	399			60	
	400			60	

1	2	3	4	5	6
मई दिल्ली, 26 दिसम्बर, 1994					
Shevar Garia	407		1	80	
	437	2	95	50	
	624	3	53	70	
	1562	2	81	70	
	Nala		14	40	
Total	33	15	61	80	
Sevar Pali	1	3	00	00	
	103		13	80	
	814		11	40	
	815		3	90	
	816		10	50	
	817			60	
	818			30	
	819		3	00	
	821		19	20	
	838		43	50	
	897		14	70	
	898		24	90	
	899		34	80	
	900		4	80	
	953		27	00	
	1020		4	80	
	1021		9	30	
	1022		3	00	
	1023		12	00	
	1024		1	50	
	1027		6	00	
	1028		14	40	
	1029		4	80	
	1032		3	60	
	1033		7	50	
	1034		13	50	
	1057		1	50	
	1058		3	60	
	1059		3	00	
	1061		57	00	
	1062		10	20	
	1125		67	80	
	1142		7	50	
	1143		16	80	
	1145	1	21	80	
	1147		6	60	
	1148		1	50	
	1149		3	00	
	1150		13	50	
	1151		15	90	
	1153		18	60	
	1163	2	48	70	
	1329		42	00	
	30/1332	4	28	90	
	1346/1163		72	30	
Total	45	17	25	00	

[N.S. L-14016/06/94- G.P.]
ARDHENDU SEN, Director

का. घा. 59 :—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि बिजपुर से बावरो तक प्राकृतिक गैस के परिवहन के लिए पाइप लाइन भारतीय गैस प्राधिकरण लि. द्वारा बिछाई जानी चाहिए।

और यतः प्रतीत होता है कि ऐसी लाइनों को बिछाने या प्रयोजन के लिए एतदुपायधन अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः भव्य पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग अधिकार का अर्जन), अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बतत कि उक्त भूमि में हितबद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप सज्जम प्राधिकारी, गैस अथॉरिटी आफ इंडिया लि. होटल प्रताप पेलिस, भरतपुर को इस अधिसूचना की तारीख से 21 दिन के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चिततया यह भी कबल करेगा कि क्या वह चाहता है कि उसकी चुनवाई व्यक्तिगत रूप से हो या किसी विधि न्यायसामी के मार्फत।

अनुसूची

एच. बी. जे. अपरेटेशन गैस पाइप लाइन प्रोजेक्ट

ग्राम : पर्सोन्डा	तहसील : रूपवास	जिला : भरतपुर			
नाम ग्राम	खसरा नं.	क्षेत्रफल हेक्टर	एयर	वि. बि. बर्ग मी.	
1	2	3	4	5	6
पर्सोन्डा	10		04	80	
	21		19	20	
	22		11	70	
	28		05	40	
	26		04	80	
	27		—	30	
	28		02	40	
	29		11	40	
	30		04	20	
	32		04	20	
	33		11	70	
	47		17	40	
	48		02	10	
	52		08	70	
	53		28	80	
	67		02	70	
	68		—	60	
	72		07	80	
	77		15	90	
	78		20	70	
	79		05	40	
	91		05	10	

1	2	3	4	5	6	1	2	3	4	5
	83		18	00		घोड़ेली गड्घी	525		07	50
	94		17	40			526		13	50
	95		09	60			527		00	60
	96		33	60			528		—	90
	97		03	30			530		19	50
	232		11	10			531		13	20
	246		09	00			532		05	70
	247		20	40			537		25	20
	248		02	10			570		02	40
	249		08	70			571		02	70
	250		18	30			572		20	10
	251		12	00			573		02	70
	252		09	30			577		12	60
	257		17	40			582		16	20
	254		04	20			583		24	90
	309		10	20			586		07	20
	310		30	90			597		05	70
	312		41	70			598		14	70
	313		11	70			600		04	50
कुल :	41	04	84	20			601		07	20
							602		23	40
गच्छी	262		04	80		योग :	38	04	30	20
	270		05	70						
	271		06	90		मगलाजरीजा	18		—	60
	274		15	90			19		17	90
	275		24	90			34		17	70
	276		40	50			35		16	50
	278		01	20			36		09	60
	326		12	70			53		—	30
	327		03	00			54		25	80
	328		93	00			55		—	90
	329		56	10			56		14	10
	331		39	30			57		06	30
	332		29	70			58		—	60
योग :	13	03	33	60			76		20	10
							77		14	10
ओड़ेन गड्घी	89		—	30			80		21	00
	94		12	30			81		11	40
	95		21	90			82		06	30
	97		18	00			91		09	60
	98		10	50			92		19	80
	99		14	10			111		01	80
	100		04	80			114		21	00
	120		04	20			115		11	10
	126		03	30			116		01	20
	127		31	20			120		04	20
	129		10	50			127		07	20
	130		02	10			128		—	30
	492		05	10			129		12	30
	494		07	80			130		20	40
	495		28	50			131		04	20
	496		05	40			230		03	00
	522		19	80			231		16	20

1	2	3	4	5	6	1	2	3	4	5	6
	232		11	10			393		06	30	
	233		09	60			394		12	30	
	234		27	90			396		03	00	
	235		—	30			438		02	27	
	236		12	60			503		15	30	
	237		14	70			504		18	90	
	238		09	60			505		08	70	
	363		04	50			506		14	70	
	364		08	10			507		02	40	
	365		02	40			511		03	30	
	366		26	10			513		20	10	
	371/111		19	80			514		00	90	
							520		15	90	
योग :	42	04	60	20			521		03	00	
							523		14	10	
घोरवा	202		06	60			524		00	30	
	205		04	20			538		03	00	
	206		15	30			543		25	80	
	207		06	90			547		02	10	
	224		19	20			548		12	00	
	225		13	20			549		12	00	
	226		19	80			551		00	45	
	227		02	32			552		21	00	
	234		07	50			555		00	90	
	235		42	30			559		30	00	
	241		02	10			564		04	20	
							565		14	10	
योग :	11	01	39	42			566		00	77	
							567		06	60	
रूपवास	206		03	00			570		07	80	
	207		21	30			571		06	60	
	208		06	30			572		01	50	
	209		17	70			583		21	00	
	210		03	30			584		02	70	
	234		06	60			586		09	60	
	247		02	10			590		01	20	
	248		22	50			591		19	80	
	249		00	55			592		37	20	
	252		03	60			593		07	20	
	253		09	90			594		11	40	
	255		10	80		योग :	65	06	45	74	
	256		14	10							
	257		00	30		द्वि मोहरवा	20		04	16	
	258/1		12	30			21		21	90	
	258/2		14	10			22		01	00	
	261		10	50			23		12	00	
	269		02	10			24		19	20	
	274		06	60			26		13	50	
	384		11	70			27		00	60	
	385		14	70			46/12		05	10	
	386		10	50			47/12		16	80	
	387		07	50			55/28		19	20	
	390		20	10							
	391		13	20		योग :	10	01	13	96	

1	2	3	4	5	6	1	2	3	4	5	6
मोहरवा	96		17	40		कम कपास	32/1		17	40	
	98		10	50			32/2		48	80	
	101		2	38			32/3		43	80	
	108		6	88			48		3	60	
	138		12	30			83		63	30	
	140		28	20			84/1		3	9	
	141		1	20			86		12	10	
	563		3	60			87		54	00	
	564		10	30			127		51	60	
	565		6	00			128		24	60	
	566		13	20			128/1		3	00	
	591		16	20			130		64	80	
	593		19	39			131		30	90	
	594		1	50			146		59	70	
	595		9	80			146/1				
	624		47	40			146/2		90	60	
	625		25	7			146/3				
	635		20	10			147		37	60	
	636		10	20			148		49	20	
	637		22	20			149		38	40	
	638		58	80			150		33	90	
	639		6	90			151		50	40	
	640		1	50			151/1		2	80	
	641		4	80			151/2		57	60	
	673		0	30			151/3		18	00	
	685		15	00			151/4	1	77	60	
	676		22	20							
	678		82	02							
	680		40	80							
	798/97		17	40							
	897/103		12	00							
	763/95		24	00							
	764/95		39	00							
	765/95		5	10							
	771/102		12	30							
	772/102		9	00							
	139										
	773/139		19	50							
	729/										
	99										
	893/99		33	90							
	894/99										
	730/892										
	99										
	893/99		12	00							
	894/99										
	731/898										
	99		14	00							
	894/99										
	732/893										
	99		15	90							
	894/99										
	733/895										
	103										
	897/103		18	00							
योग :	42		7	61	14						

कम कपास	32/1	17	40	
	32/2	48	80	
	32/3	43	80	
	48	3	60	
	83	63	30	
	84/1	3	9	
	86	12	10	
	87	54	00	
	127	51	60	
	128	24	60	
	128/1	3	00	
	130	64	80	
	131	30	90	
	146	59	70	
	146/1			
	146/2	90	60	
	146/3			
	147	37	60	
	148	49	20	
	149	38	40	
	150	33	90	
	151	50	40	
	151/1	2	80	
	151/2	57	60	
	151/3	18	00	
	151/4	1	77	60
योग :	26	10	61	40

[सं. एन.-14016/6/ 4 जी. पी.]

प्रमुख सेन, निदेशक

New Delhi, the 26th December, 1994

S.O. 59.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas H.B.J. Upgradation Project work, in Rajasthan State, Pipeline should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such Pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H.B.J. Upgradation Gas Pipeline Project, Hotel Pratap Palace, Bharatpur (Raj.).

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Name Village: Pasonda Teh : Ropbas Distt. Bharatpur (Raj)

Village	Khasra No	Area		Remark
		Heci. Are	Sq Mt.	
Pasonda	16	4	80	
	21	19	20	
	22	11	70	
	25	5	40	
	26	4	80	
	27	—	30	
	28	2	40	
	29	11	40	
	30	4	20	
	32	4	20	
	33	11	70	
	47	17	40	
	48	2	10	
	52	8	70	
	53	28	30	
	67	2	70	
	68	—	60	
	72	7	80	
	77	15	90	
	78	20	70	
	79	5	40	
	91	5	10	
	93	18	00	
	94	17	40	
	95	9	60	
	96	33	60	
	97	3	30	
	232	11	10	
	246	9	00	
	247	20	40	
	248	2	10	
	249	8	70	
	250	18	30	
	251	12	00	
	252	9	30	
	253	17	40	
	254	4	20	
	309	10	20	
	310	30	90	
	312	41	70	
	313	11	70	
Total	41	4	84	20
Garhi	262	4	80	
	270	5	70	
	271	6	90	
	274	15	90	
	275	24	90	
	276	40	50	
	278	1	20	
	326	12	60	
	327	3	00	
	328	93	00	
	329	56	10	
	331	39	30	
	332	29	70	
Total	13	3	33	60

1	2	3	4	5	6
Audei Gaddhi	89	—	—	30	
	94		12	30	
	93		21	90	
	97		13	00	
	98		10	50	
	99		14	10	
	100		4	80	
	120		4	20	
	126		3	30	
	127		31	20	
	129		10	50	
	130		2	10	
	492		5	10	
	494		7	80	
	495		28	50	
	496		5	40	
	522		19	80	
	525		7	50	
	526		13	50	
	527		0	60	
	529			90	
	530		19	50	
	531		13	20	
	532		5	70	
	537		25	20	
	570		2	40	
	571		2	70	
	572		20	10	
	573		2	70	
	577		12	60	
	582		16	20	
	583		24	90	
	596		7	20	
	597		5	70	
	598		14	70	
	600		1	50	
	601		7	20	
	602		23	40	
Total	38	4	30	20	
Nagala Jarela	18		—	60	
	19		12	90	
	34		17	70	
	35		16	50	
	36		9	60	
	53		—	30	
	54		25	80	
	55		—	90	
	56		14	10	
	57		6	30	
	58		—	60	
	76		20	10	
	77		14	10	
	80		21	00	
	81		11	40	
	82		6	50	
	91		9	60	
	92		19	80	
	111		1	80	
	114		21	00	
	115		14	10	
	116		1	20	
	120		4	20	

1	2	3	4	5	6
	127	7	20		
	128	—	30		
	129	12	30		
	130	20	40		
	131	4	20		
	230	3	00		
	231	16	20		
	232	11	10		
	233	9	60		
	234	27	90		
	235	—	30		
	236	12	60		
	237	14	70		
	238	9	60		
	365	4	50		
	366		10		
	367	2	40		
	368	26	10		
	371/111	19	80		
Total	42	4	60	20	
Dourda	202	06	60		
	205	04	20		
	206	15	30		
	207	06	90		
	221	19	20		
	222	13	20		
	223	19	80		
	227	02	32		
	234	07	50		
	235	42	30		
	241	02	10		
Total	11	01	39	42	
Roopbas	205	03	00		
	207	21	30		
	208	06	30		
	209	17	70		
	210	03	30		
	234	06	60		
	247	02	10		
	248	22	50		
	249	00	55		
	257	03	60		
	258	09	90		
	259	10	80		
	259	14	10		
	25	00	30		
	25/1	12	30		
	25/2	14	10		
	26	10	50		
	262	02	10		
	376	06	60		
	383	11	70		
	387	14	70		
	387	10	50		
	387	07	50		
	391	20	10		
	39	13	20		
	393	06	30		
	393	12	30		
	393	03	00		
	400	02	27		
	Roopbas	503	15	30	
		504	18	90	
		505	08	70	
		506	14	70	
		507	02	40	
		511	03	30	
		513	20	10	
		514	00	90	
		520	15	90	
		521	03	00	
		523	14	10	
		524	00	30	
		538	03	00	
		543	25	80	
		547	02	10	
		548	12	00	
		549	12	00	
		551	00	45	
		552	21	00	
		955	00	90	
		959	30	00	
		954	04	20	
		965	14	10	
		966	03	77	
		957	05	60	
		970	09	80	
		971	06	60	
		972	01	50	
		983	21	00	
		984	02	70	
		986	09	60	
		990	01	20	
		991	19	80	
		992	37	20	
		993	07	20	
		994	11	40	
Total		65	06	45	74
Rundha Moharda	20		04	16	
	21		21	90	
	22		01	50	
	23		12	00	
	24		19	20	
3	26		13	50	
	27		00	60	
	45/12		05	10	
3	47/12		16	80	
	55/28		19	20	
Total		10	01	13	95
Nohrda	96		17	40	
	98		10	50	
	101		2	38	
	108		6	88	
	138		12	30	
	140		28	20	
	141		1	20	
	563		3	60	
	564		10	20	
	565		9	00	
	566		13	20	
	591		16	20	
	563		19	39	
	594		10	50	

1	2	3	5	5	6	7	1	2	3	4	5	6
	595			9	60			732				
	624			47	40			693		15	90	
	625			25	87			694/99				
	635			20	10			733/				
	636			10	20			—/101				
	637			22	20			695		18	00	
	638			58	80			697/103				
	639			6	90							
	640			1	50		Total	42		7	61	14
	641			4	80							
	673			0	30		Rundh Roopbas	32/1		17	40	
	675			15	00			32/2		46	80	
	676			22	20			32/3		43	80	
Nohrda	678			82	02			48		3	60	
	680			40	80			83		63	30	
	796/97			17	40			84/1		3	90	
	697/103			12	00			86		12	00	
	763/95			24	00			87		54	00	
	764/95			39	00			127		51	60	
	765/95			5	103			128		24	60	
	771/102			12	30			128/1		3	00	
	772/102			9	00			130		64	80	
	139							131		30	90	
	773/139			19	50			145		59	70	
	729							146/1				
	692							146/2		90	60	
	99							146/3				
	693			33	90			147		37	50	
	99							148		49	20	
	694							149		38	40	
	99							150		33	90	
	730/99							151		50	40	
	692							151/1		28	80	
	693/99							151/2		57	60	
	69/99							151/3		18	00	
	731/99							151/4		77	60	
	695						Total	26		10	61	40
	694/99											

[No.L-14016/6/94-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 26 दिसम्बर, 1994

का. मा. 60.-अबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हिा में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लगे के लिए मरैकशानवाडि कोलारि शुगर्स एंड केमिकल्स पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अगारिटी आफ इंडिया लिमिटेड द्वारा विस्थापित जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए उसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1952 (1962 का 50) के खंड 3 के उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा उक्त पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्तते कि उक्त भूमि में अपनी छवि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन विखान के विरोध में अपनी आपत्ति सभ्य प्राधिकारी गैस अगारिटी आफ इंडिया लिमिटेड कार्पोरेशन नोता मेनबड्डम पोविक गड्डक, नागपड्डिगम नारी कारितेमिलवत जिला तमिलनाडु 611 001 दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज करते समय किता भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

मराईकाञ्चावडी कोथारि शुगर एंड केमिकल्स गैस पाइप लाइन प्रोजेक्ट

राज्य	जिला	तालुक	ग्राम नं. एवं नाम	सर्वे नं.	क्षेत्रफल		विवरण
					हेक्टर.	एकड़ में	
तमिलनाडु	पाण्डिचेरि	कारैकाल	35 - पोलगम	159/3	0.30.0	0.70	

[सं. एल - 14016/7/93 - जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 26th December, 1994

S.O. 60.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Maraikkanchavadi Tap off—Kothari Sugars & Chemicals Ltd., Polagam village in Pondicherry State should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of notification object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner

SCHEDULE

Maraikanchavady—Kothari Sugars & Chemicals Pipe Line Project

State	District	Taluk	Village No. & Name	Survey Nos.	Area		Remarks
					In Hectares	In Acre Cent	
Tamil Nadu	Pondicherry	Karaikal	35-Polagam	159/3	0.30.0	0.70	

[No. L-14016/7/93-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 26 दिसम्बर, 1994

का. आ. 61.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम गैस एवं प्राकृतिक गैस लाइने के लिए कोथारि शुगर एवं केमिकल्स टीए आर पाण्डि केमिकल्स पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथॉरिटी आफ इंडिया लिमिटेड द्वारा विद्यमान है।

और यह भी अनुभव करती है कि उस कार्य के लिए उसके साथ संलग्न विवरणों में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

आ: पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खंड 3 के उपखंड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इंडिया लिमिटेड कावेरी बेसिन नीला मेलवडम पोल्कि सडक, नागपट्टिनम नगर कार्यालयमिल्लत जिला तमिलनाडु 611 001 दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

कोलारी शुगर एवं केमिकल्स टैप ऑफ पण्डि केमिकल्स गैस पाइप लाइन प्रोजेक्ट

क्षेत्रफल

जनपद	राहसील	तालुक	ग्राम नं. एवं नाम	सर्वे नं.	हेक्टर	एकड़ में	विवरण
पान्डिचेरि	पान्डिचेरि	कारैकल	37 - वांजूर	7/1	0.04.0	0.10	
				7/3	0.01.0	0.02	

[सं. एन - 14016/14/94 - जी. पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 26th December, 1994

S.O. 61.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Kothari Sugars and Chemicals Ltd., Tap off to Pondy Chemicals Vanjoor village in Pondicherry State should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam: Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

Kothari Sugars and Chemicals Ltd., Tap off Pondy Chemicals Gas Pipeline Project

State	District	Taluk	Village	Survey Number	Extent		Remarks
					In Hectares	In acre Cent	
Pondicherry	Pondicherry	Karaikal	37 Vanjoor	7/1	0.04.0	0.10	
				7/3	0.01.0	0.02	

[No. L-14016/14/94-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 29 दिसम्बर, 1994

का. आ. 62:— जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लेने के लिए कमलापुरम यरलि प्रोडक्शन सिस्टम अधिकांशमंगलम जी जी एस पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए उसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड-(1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्तते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति अधिवचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सन्नग प्राधिकारी गैस अथारिटी आफ इंडिया लिमिटेड, कावेरी बेसिन, नीला मेलवडम पोक्कि सडक, नागपट्टिणम नगरे कायतेमिल्लत जिल्ला तमिलनाडु 611 001 दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत करना चाहता है।

अनुसूची

कमलापुरम येलि प्रोडक्शन सिस्टम अडियक्कमंगलम जी जी एस गैस पाइप लाइन प्रोजेक्ट

क्षेत्रफल

जन्पद	तहसील	तालुक	ग्राम नाम और नं.	सर्वे नं.	हेक्ट.	एकड़ में	विवरण
तमिलनाडु	नागीश्वार्थ मल्लय कोडवाशाल	104-पेरुन्थाराकुडि		207/4	0.05.0	0.12	
				207/6	0.04.5	0.11	
				206/1	0.00.5	0.01	
				206/2	0.06.0	0.15	
				212/1	0.11.5	0.28	
				212/3	0.06.5	0.16	
				212/4ए	0.03.0	0.07	
				212/4बी	0.04.0	0.10	
				213/1	0.05.0	0.12	
				213/2	0.03.0	0.07	
				213/3ए	0.01.0	0.02	

[सं. एल - 14016/15/94 - जी पी.]

अर्थेन्दु सेन, निर्देशक

New Delhi, the 29th December, 1994

S.O. 62.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Kamalapuram Early Production System to Adiyakkamangalam, G.G.S. Pipe line would be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein.

Provided that any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

Kamalapuram Early Production System to Adiyakkamangalam, G.G.S. Gas Pipe Line Project

State	District	Taluk	Village	Survey Number	Extent		Remarks
					In Hectares	In Acre Cent	
Tamil Nadu	Nagai-Quaid-E-Milleth	Kodavasaf	104 Peruntharakudy	207/4	0.05.0	0.12	
				207/6	0.04.5	0.11	
				206/1	0.00.5	0.01	
				206/2	0.06.0	0.15	
				212/1	0.11.5	0.28	
				212/3	0.06.5	0.16	
				212/4A	0.03.0	0.07	
				212/4B	0.04.0	0.10	
				213/1	0.05.0	0.12	
				213/2	0.03.0	0.07	
				213/3A	0.01.0	0.02	

[No. L-14016/15/94-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 29 दिसम्बर, 1994

का. प्रा. 63.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए कमलापुरम येराले प्रोडक्शन सिस्टम अधियक्क मंगलम जी जी एस पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी आफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए उसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बशर्ते कि उक्त भूमि में अपनी रुचि रखने वाला कोई भी व्यक्ति, अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथारिटी आफ इंडिया लिमिटेड कावेरी बेसिन नीला मेलक्कम पोक्कि सडक, नागप्पट्टिणम नागै कायितेमिल्लत जिल्ला तमिलनाडु 611 001 दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को विशेष रूप से निर्विष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत करना चाहता है।

अनुसूची

कमलापुरम येराले प्रोडक्शन सिस्टम अधियक्कमंगलम जी. जी. एस. गैस पाइप लाइन प्रोजेक्ट

क्रमक्रम	तहसील	तालुक	ग्राम नाम और नं.	सर्वे नं.	क्षेत्रफल		विवरण
					हेक्टे.	एकड़ में	
1	2	3	4	5	6	7	8
तमिलनाडु	नागै खाइये मिल्लत तिरुवारुर		39 - पेरागुडि	78/6	0.09.0	0.22	
				78/7	0.05.0	0.12	
				78/8	0.05.0	0.12	
				56/1	0.00.5	0.01	
				56/2सी	0.15.0	0.37	
				56/4ए	0.01.5	0.04	
				56/4बी	0.03.5	0.09	
				50/3ए	0.03.0	0.07	
				47/1	0.07.0	0.17	
				47/2	0.06.0	0.15	
				47/3बी - 1	0.02.5	0.06	
				47/4	0.02.0	0.05	
				46/1ए-1	0.02.5	0.06	
				46/1ए-2	0.02.0	0.05	
				46/1ए-3	0.02.5	0.06	
				46/2ए	0.01.0	0.02	
				46/2बी	0.01.5	0.04	
				46/2सी	0.01.0	0.02	
				45/1	0.05.0	0.12	
				45/3	0.06.0	0.15	
				44/1	0.05.0	0.12	
				43/2	0.06.5	0.16	
				43/4	0.02.5	0.08	
				43/5	0.13.0	0.32	

1	2	3	4	5	6	7	8
तमिलनाडु	नागै खाइये मिल्लत तिरुवारुर	39 - पेरुगुडि	159/2	0.09.0	0.22		
			159/3	0.04.0	0.10		
			158/3डी	0.01.5	0.04		
			160/4	0.00.5	0.01		
			160/5	0.05.0	0.12		
			160/8	0.04.5	0.11		
			160/10	0.10.0	0.25		
			160/16	0.04.0	0.10		
			160/27	0.00.5	0.01		
			164/1	0.07.0	0.17		
			164/3	0.05.0	0.13		
			166/1	0.13.0	0.32		
			166/7	0.00.5	0.01		
			166/10	0.00.5	0.01		
			7/1	0.15.5	0.38		
			6	0.26.0	0.64		
			5	0.19.5	0.48		
			4/1	0.32.5	0.80		
			3/1ए	0.03.5	0.09		

[सं. एल-14016/15/94-जी.पी.]

अर्जुन सेन, निदेशक

New Delhi, the 29th December, 1994

S.O. 63.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Kamalapuram Early Production System to Adiyakkamangalam, G.G.S. Pipe line should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum and Minerals pipe line (Acquisition of Right of user the land) Act, 1962 intention to acquire the right of user therein.

Provided that any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

Kamalapuram Early Production System to Adiyakkamangalam, G.G.S. Gas Pipe Line Project

State	District	Taluk	Village	Survey Number	Extent		Remarks
					In Hectares	In Acre Cent	
Tamil Nadu	Nagai-Quaid-E-Milleth	Thiruvaurur	39 Perungudy	78/6	0.09.0	0.22	
				78/7	0.05.0	0.12	
				78/8	0.05.0	0.12	
				56/1	0.00.5	0.01	
				56/2C	0.15.0	0.37	
				56/4A	0.01.5	0.04	
				56/4B	0.03.5	0.09	
				50/3A	0.03.0	0.07	
				47/1	0.07.0	0.17	

1	2	3	4	5	6	7
Tamil Nadu	Nagai-Quaid-E-Milleth	Thiruvavur	39 Perungudy	47/2	0.06.0	0.15
				47/3D-1	0.02.5	0.06
				47/4	0.02.0	0.05
				46/1A-1	0.02.5	0.06
				46/1A-2	0.02.0	0.05
				46/1A-3	0.02.5	0.06
				46/2A	0.01.0	0.02
				46/2B	0.01.5	0.04
				46/2C	0.01.0	0.02
				45/1	0.05.0	0.12
				45/3	0.06.0	0.15
				44/1	0.05.0	0.12
				43/2	0.06.5	0.16
				43/4	0.02.5	0.06
				43/5	0.13.0	0.32
				159/2	0.09.0	0.22
				159/3	0.04.0	0.10
				158/3D	0.01.5	0.04
				160/4	0.00.5	0.01
				160/5	0.05.0	0.12
				160/8	0.04.5	0.11
				160/10	0.10.0	0.25
				160/16	0.04.0	0.10
				160/27	0.00.5	0.01
				164/1	0.07.0	0.17
				164/3	0.05.0	0.13
				166/1	0.13.0	0.32
				166/7	0.00.5	0.01
				166/10	0.00.5	0.01
				7/1	0.15.5	0.38
				6	0.26.0	0.64
				5	0.19.5	0.48
				4/1	0.32.5	0.80
				3/1A	0.03.0	0.09

[No. L-14016/15/94-G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 29 दिसम्बर, 1994

का. आ. 64.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए कमलापुरम येरलि प्रोजेक्शन सिस्टम अडिज्कमंगलम जीपीएस पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथोरिटी आफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए उसके माध्यम संलग्न विवरणीय में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पदार्थ लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

बयान कि उक्त भूमि में अपनी सचिवालय वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथोरिटी आफ इंडिया लिमिटेड, कावेरी बेसिन नीला गेलबडम पोक्कि सड़क, माण्यट्टिणम नाम का मिलेमिल्लत जिला तमिलनाडू-611 001 में दर्ज कर सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को विशेष रूप से निविष्ट करना होगा कि वह व्यक्तिगत रूप से प्रथवा विधि व्यवसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

अनुसूची

कमलापुरम येसि प्रोजेक्शन सिसटम - ग्रहियकमंगलम जी जी एस गैस पाइप लाइन्स प्रोजेक्ट

जनपद	तहसील	तालुका	ग्राम नाम और नं.	सर्वे नं.	क्षेत्रफल		
					हेक्टे.	एकड़ में	विवरण
1	2	3	4	5	6	7	8
तमिलनाडु	नागै खाइये मिल्लत तिरुवारुर	38 - पुलियलम	11/9		0.09.0	0.22	
			10/2ए		0.07.0	0.17	
			10/2बी		0.02.0	0.05	
			10/3		0.07.0	0.17	
			10/4		0.05.0	0.12	
			9/2		0.06.0	0.15	
			9/3		0.06.0	0.15	
			9/4		0.11.0	0.27	
			7/2ए		0.04.5	0.11	
			7/2बी		0.00.5	0.01	
			8/1ए-1		0.04.0	0.10	
			8/1बी		0.08.0	0.20	
			18/1		0.03.0	0.07	
			18/2ए		0.07.0	0.17	
			20/1		0.11.0	0.27	
			20/2बी		0.05.0	0.12	
			21/2सी		0.01.0	0.02	
			21/1डी		0.00.5	0.01	
			63/1सी		0.04.5	0.11	
			62./2		0.07.0	0.17	
			64/1		0.02.5	0.06	
			64/2ए-1		0.04.0	0.10	
			64/2ए-2		0.04.5	0.11	
			64/2बी		0.07.0	0.17	
			65/9		0.02.0	0.05	
			65/10		0.13.0	0.32	
			80/2		0.03.0	0.07	
			80/5		0.11.0	0.27	
			79/2सी		0.11.0	0.27	
			78/1		0.24.0	0.59	
			77/1		0.09.0	0.22	
			76/16		0.16.0	0.39	
			75/4		0.02.5	0.06	
			75/8		0.05.0	0.12	
			75/9		0.03.0	0.07	
			75/10		0.06.0	0.15	
			75/11ए		0.01.5	0.04	
			75/11बी		0.02.0	0.05	

[सं. एल - 14016/15/94 - जी पी]

प्रधान मंत्री, निदेशक

New Delhi, the 29th December, 1994

S.O. 64.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Kamalapuram Early Production System to Adiyakkamangalam, G.G.S. Pipe line should be laid by the Gas Authority of India Ltd.

And, whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum and Minerals pipe line (Acquisition of Right of user the land) Act, 1962 intention to acquire the right of user therein.

Provided that any person interested in the said land may within 21 days from the date of this notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically where he wishes to be heard in person or by legal practitioner.

SCHEDULE

Kamalapuram Early Production System to Adiyakkamangalam, G.G.S. Gas Pipe Line Project

State	District	Taluk	Village	Survey Number	Extent		Remarks
					In Hectares	In Acre Cent	
Tamil Nadu	Nagai-Quaid-E-Milleth	Thiruvarur	38 Pulivalam	11/9	0.09.0	0.22	
				10/2A	0.07.0	0.17	
				10/2B	0.02.0	0.05	
				10/3	0.07.0	0.17	
				10/4	0.05.0	0.12	
				9/2	0.06.0	0.15	
				9/3	0.06.0	0.15	
				9/4	0.11.0	0.27	
				7/2A	0.04.5	0.11	
				7/2B	0.00.5	0.01	
				8/1A-1	0.04.0	0.10	
				8/1B	0.08.0	0.20	
				18/1	0.03.0	0.07	
				18/2A	0.07.0	0.17	
				20/1	0.11.0	0.27	
				20/2D	0.05.0	0.12	
				21/2C	0.01.0	0.02	
				21/1D	0.00.5	0.01	
				63/1C	0.04.5	0.11	
				63/2	0.07.0	0.17	
				64/1	0.02.5	0.06	
				64/2A-1	0.04.0	0.10	
				64/2A-2	0.04.5	0.11	
				64/2B	0.07.0	0.17	
				65/9	0.02.0	0.05	
				65/10	0.13.0	0.32	
				80/2	0.03.0	0.07	
				80/5	0.11.0	0.27	
				79/2C	0.11.0	0.27	
				78/1	0.24.0	0.59	
				77/1	0.09.0	0.22	
				76/16	0.16.0	0.39	
				75/4	0.02.5	0.06	
				75/8	0.05.0	0.12	
				75/9	0.03.0	0.07	
				75/10	0.06.0	0.15	
				75/11A	0.01.5	0.04	
				75/11B	0.02.0	0.05	

[No. L-14016/15/94/G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 29 दिसम्बर, 1994

का. आ. 65—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए कमलापुरम गैसलि प्रोडक्शन सिस्टम अडियक्कमंगलम जी.जी.एस. गैस पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथॉरिटी आफ इंडिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए उसके साथ संलग्न विवरणीय में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्तते कि उक्त भूमि में अपनी सचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी गैस अथॉरिटी आफ इंडिया लिमिटेड कावेरी बेसिन नीला मेलवटम पोक्कि सडक, नागपट्टिणम नागै कायिनेमिल्लत जिला तमिलनाडु-611 001 दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराने समय किसी भी व्यक्ति को विशेष रूप से निदिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायीक के माध्यम से अपना मत करना चाहता है।

अनुसूची

कमलापुरम गैस प्रोडक्शन सिस्टम : अडियक्कमंगलम जी.जी.एस. गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	तालुक	ग्राम नाम और नं.	सर्वे नं.	क्षेत्रफल		विवरण
					हेक्टे.	एकड़ में	
1	2	3	4	5	6	7	8
तमिलनाडु	नागै ब्राह्मे मिल्लत सिन्धुशर		37-वेंगटेशपुरम	4/5ए	0.00.5	0.01	
				4/5बी	0.14.0	0.35	
				5/4ए	0.03.5	0.09	
				4/5बी	0.02.0	0.05	
				41/1	0.04.5	0.11	

[सं. एल. 14016/15/94 - जी पी]

अर्धेन्दु सेन, निदेशक

New Delhi, the 29th December, 1994

S.O. 65.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum Gas from Kamalapuram Early Production System to Adiyakkamangalam, G.G.S. Pipe line should be laid by the Gas Authority of India Ltd.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto.

Now, therefore, in exercise of the powers conferred by Sub-section (1) of the Section 3 of the Petroleum and Minerals pipe line (Acquisition of Right of user in the land) Act, 1962 intention to acquire the right of user therein :

Provided that any person interested in the said land may, within 21 days from the date of notification, object to the laying of the pipe line under the land to the Competent Authority, Gas Authority of India Ltd., Cauvery Project, Nagapattinam, Pin-611001.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

KAMALAPURAM EARLY PRODUCTION SYSTEM TO ADIYAKKANANGALAM, G.G.S GAS PIPE LINE PROJECT

State	District	Taluk	Village	Survey Number	Extent		Remarks
					In Hectares	In Acre Cent	
Tamil Nadu	Nagai-Quaid-E-Milleth	Thiruvarur	37-Venkatesapuram	4/5A	0.00.5	0.01	
				4/5B	0.14.0	0.35	
				5/4A	0.03.5	0.09	
				5/4B	0.02.0	0.05	
				41/1	0.04.5	0.11	

[No. L-14016/15/94-G.P.]
ARDHENDU SEN, Director

नई दिल्ली, 3 जनवरी, 1995

का. आ. 66 -- जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि पेट्रोलियम पदार्थ एवं प्राकृतिक गैस लाने के लिए नरमपुरम-केजुर पाइप लाइन परियोजना के अन्तर्गत पाइप लाइन गैस अथारिटी ऑफ इण्डिया लिमिटेड द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण) अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्तते कि उक्त भूमि में अपनी रचि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथारिटी ऑफ इण्डिया लिमि. के. जी. वसीन प्रोजेक्ट 29/7-1/3/1 राजमंड्री-533105, आन्ध्र प्रदेश में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायिक के माध्यम से अपना मत प्रस्तुत करना चाहता है

अनुसूची

परिच्छेद 6(1) विज्ञप्ति

नरसापुरम से पेरवल्लि गैस पाइप लाइन प्रोजेक्ट

जनपद	तहसील	ग्राम	सर्वे नं.	क्षेत्रफल (हेक्टे/एकड़ में)	विवरण
1	2	3	4	5	6
पश्चिम गोदावरी	पालकोल्लु	पालकोल्लु	306-	0-06-00	
			308-,,	0-04-00 जि.पी.	
			279-,,	0-24-50	
			277-,,	0-19-00	
			276-1/सी,,	0-06-50	

1	2	3	4	5	6
पश्चिम	पालकोलू	पालकोलू	276-2/बी प,टे	0-11-50	
गोदावरी			257-,,	0-51-00	
			245-,,	0-04-00	जि पि
			247/3,,	0-04-50	
			246-,,	0-14-00	
			कुल हेक्टे	1-45-00	या
					3-58

[(सं. एन 14016/14/93 जी. पी.)]

अर्धेन्दु सेन, निदेशक

New Delhi, the 3rd January, 1995

S.O. 66.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Natural Gas through Narasapuram Kowuru pipeline to be laid by the Gas Authority of India Ltd.

And Whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (i) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of

Users in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd. K. G. Basin Project, 29-7-1/3/1, Opp: Gowthami Library, Rajahmundry-533 104, Andhra Pradesh.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE—Section 3(1)

'D' Rout—palakoleu Canlage Routs

NOTIFICATION
Gas Pipe Line Project
Narasapuram—To Peravali

District	Mundal	Village	Survey Nos.	Area (In Hect/ Acres)	Remarks
West Godavari (A.P.)	Palakolu	Palakolu	306/part	0-06-00	G.P.
			308/part	0-04-00	
			279/part	0-24-50	
			277/part	0-19-00	
			276/1C	0-06-50	
			part		
			276/2		
			part	0-11-50	
			B		
			257/part	0-51-00	G.P.
			245/part	0-04-00	
			247/part	0-04-50	
			3		
			246	0-14-00	
			part		
				1-45-00	or AC 3.58

[No. L-14016/14/93-G.P.]

ARDHENDU SEN, Direct

दिल्ली, 3 जनवरी, 1995

का.आ. 67.—जबकि केन्द्र सरकार यह अनुभव करती है कि सार्वजनिक हित में यह आवश्यक है कि उत्तर प्रदेश राज्य में पेट्रोलियम एवं प्राकृतिक गैस लाने के लिए एच.बी.जे. अप-ग्रेडेशन गैस पाइप लाइन डाली जाये और यह पाइप लाइन गैस अथॉरिटी ऑफ इंडिया द्वारा बिछाया जाना है।

और यह भी अनुभव करती है कि उस कार्य के लिए इसके साथ संलग्न विवरणी में निर्धारित भूमि पर प्रयोक्ता का अधिकार ग्रहण करना आवश्यक है।

अतः पेट्रोलियम एवं खनिज पाइप लाइन (भूमि पर प्रयोक्ता का अधिकार ग्रहण अधिनियम, 1962 (1962 का 50) के खण्ड 3 के उपखण्ड (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उस पर प्रयोक्ता का अधिकार ग्रहण करने की मंशा की घोषणा करती है।

वर्णित कि उक्त भूमि में अपनी हवि रखने वाला कोई भी व्यक्ति अधिसूचना की तारीख से 21 दिन के भीतर भूमिगत पाइप लाइन बिछाने के विरोध में अपनी आपत्ति सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लि., एच.बी.जे. अप ग्रेडेशन गैस पाइप लाइन प्रोजेक्ट, पी.डी.आई.एल. बिल्डिंग, ए-14, सेक्टर-1, नोएडा, गाजियाबाद (उ.प्र.) में दर्ज करा सकता है।

और ऐसी आपत्ति दर्ज कराते समय किसी भी व्यक्ति को यह विशेष रूप से निर्दिष्ट करना होगा कि वह व्यक्तिगत रूप से अथवा विधि व्यवसायक के माध्यम से अपना मत प्रस्तुत करना चाहता है।

वाद-अनुसूची

एच.बी.जे. अपग्रेडेशन पाइप लाइन प्रोजेक्ट

जिला	तहसील	परगना	मौजा	गाटा संख्या	अर्जित क्षेत्र	अन्य विवरण
1	2	3	4	5	6	7
गाजियाबाद	दादरी	दादरी	मालारपुर कलां	980	0.4660	
				976	0.0360	
				975	0.0080	
				971	0.2150	
				309	0.0080	
				312	0.0050	
				310	0.0500	
				314	0.0270	
				313	0.0900	
				294	0.1020	
				293	0.0600	
				290	0.0025	
				291	0.0200	
				292	0.0060	
				316	0.0030	
				966	0.0060	
				317	0.2500	
				322	0.0060	
				320	0.0450	
				319	0.2080	
				325	0.1980	
				258	0.0940	
				346	0.1080	
				254	0.8980	
				253	0.0280	

	5	6
	242	0.0420
	140	0.1480
	359	0.1500
	358	0.0900
	360	0.0690
	362	0.0140
	364	0.2870
	366	0.0080
	367	0.0300
	368	0.3000
योग	35	4.0775

या 10.071 एकड़

या 16 बीघा 2 बिस्वा 17 बिस्वास

[सं. एल-14016/5/94-जी.पी.]

अर्धेन्दु सेन, निदेशक

New Delhi, the 3rd January, 1995

S.O. 67.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum & Natural Gas of H. B. J. Up-Gradation Gas Pipe line in Uttar Pradesh State, Pipeline should be laid by Gas Authority of India Ltd.

And Whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, Therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Mineral Pipelines (Acquisition of Right of

User in the Land) Act 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Ltd., H. B. J. Up-gradation, Pipeline, Project, P. D. I. L. Building, A-14, Sector-1, Nodia, Ghaiziabad, U. P.

And every person making such an objection shall also state specially whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

H.B.J. Upgradation Pipe Line Project

District	Tehsil	pargana	Village	Plot No.	Acquired Area in Hectares	Remarks
1	2	3	4	5	6	7
Ghaziabad	Dadri	Dadri	Salarpurkalan	980	0.4660	
				976	0.0360	
				975	0.0080	
				971	0.2150	
				309	0.0080	
				312	0.0050	
				310	0.0500	
				314	0.0270	
				313	0.0900	
				294	0.1020	
				293	0.0600	
				290	0.0025	
				291	0.0200	
				292	0.0060	

	5	6	7
Salarpurkalan	316	0.0030	
	966	0.0060	
	317	0.2500	
	322	0.0060	
	320	0.0450	
	319	0.2080	
	325	0.1980	
	258	0.0340	
	346	0.1080	
	254	0.8980	
	253	0.0280	
	242	0.0420	
	140	0.1480	
	359	0.1500	
	358	0.0900	
	360	0.0690	
	362	0.0140	
	364	0.2870	
	366	0.0080	
	367	0.0300	
	368	0.3000	
TOTAL	35	4.0775	
		OR 10.071 Acres	
		16-2-17 Bigha	

[No. L-14016/5/94-G.P.]

ARDHENDU SEN, Director

नई दिल्ली, 4 जनवरी, 1995

का.ग्रा. 68:—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.ग्रा. 1696, तारीख 7 अगस्त, 1993 को अधिष्ठात करने हुए, नीचे दी गई अनुसूची के स्तंभ 1 में उल्लिखित प्राधिकारियों को उक्त अधिनियम के उपबंधों के अधीन, उक्त अनुसूची के स्तंभ 2 में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्रों के भीतर मंगलूर रिफाइनरी एंड पेट्रोकेमिकल्स लिमिटेड, मंगलूर की वास्तव गश्म प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है -

अनुसूची

प्राधिकारी का नाम और पता	अधिकारी का क्षेत्र
1	2
1. श्रीमती अमिता प्रसाद, अपर निवेशक, उद्योग और वाणिज्य निवेशालय मंगलूर (कर्नाटक)	कर्नाटक राज्य
2. श्री गंगाधर स्वामी, विशेष भूमि अर्जन अधिकारी, कर्नाटक औद्योगिक क्षेत्र विकास बोर्ड, मंगलूर (कर्नाटक)	कर्नाटक राज्य

[स. ग्रा/30027/13/91-ओ ग्रा II]

श्रीमती जे.के. मायाल, अवर सचिव-

New Delhi, the 4th January, 1995

S.O. 68.—In pursuance to clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in supersession of the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 1696 dated the 7th August, 1993, the Central Government hereby authorises the authorities mentioned in column 1 of the Schedule below to perform the functions of the competent authority in respect of Mangalore Refinery and Petrochemicals Limited, Mangalore, under the provisions of the said Act, within the areas mentioned in the corresponding entry in column 2 of the said Schedule :—

SCHEDULE

Name and address of the authority	Area of Jurisdiction
1	2
1. Smt. Amitha Prasad, Additional Director, Directorate of Industries and Commerce, Mangalore (KARNATAKA).	
2. Shri Gangadhara Swamy, Special Land Acquisition Officer, Karnataka Industrial Areas Development Board,	

[No. R-30027/13/91-O.R. II]

Mrs. J. K. MAYALL, Under Secy.

नई दिल्ली, 4 जनवरी, 1995

का.प्रा. 69.—केन्द्रीय सरकार को यह प्रतीत होता है, कि लोकहित में ऐसा आवश्यक है कि गुजरात राज्य में कांङ्गा से पंजाब राज्य में भटिडा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन द्वारा पार्सलाईन बिछाई जाए ;

और ऐसा प्रतीत होता है कि उक्त पार्स लाईन बिछाने के प्रयोजन के लिए अधिसूचना से उपाय्य अनुसूची में वर्णित भूमि में उपयोग के अधिकार का भर्जन करना आवश्यक है ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पार्सलाईन (भूमि में उपयोग के अधिकार का भर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रस्तुत शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का भर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से जिसको, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां माहाराज जनता को उपलब्ध करा दी जाती हैं, 21 दिन के भीतर, भूमि के नीचे पार्स लाईन बिछाने के सम्बन्ध में उनमें उपयोग के अधिकार का भर्जन करने सम्बन्धी लिखित रूप में आशेष श्री जे. के. झा, सक्षम प्राधिकारी कांङ्गला भटिडा पार्सलाईन परियोजना, कोठी नम्बर 1010, सेक्टर 42 "बी" चण्डीगढ़ को कर सकेंगा :—

अनुसूची

तहसील : मुनाम	जिला : संगरूर	राज्य : पंजाब			
गांव का नाम	हवबस्त नं.	मुस्तगील नं.	क्षेत्र		
		किला नं.	हैक्टर	घारे	सैटीआरे
1	2	3	4	5	6
मेहता	54	58			
		17	00	01	26
		18	00	12	39
		19	00	12	15
		23	00	00	51
		24	00	01	01
गोबिन्दपुर नगरी	57	27			
		17	00	00	76
		24	00	12	14
		25	00	05	82
		28			
		5	00	10	12
		29			
		1/1	00	07	84
		1/2	00	00	51
		8/2	00	00	25
		9	00	11	63
		10/1	00	05	56
		10/2	00	01	01
		12/1	00	04	05
गुजरां	110	8			
		17	00	02	53
		24/2	00	05	82

1	2	3	4	5	6
		25	00	10	62
		17			
		1	00	10	12
		9/1	00	04	05
		9/2	00	02	78
		10/1	00	03	79
		10/2	00	03	04
		12	00	13	15
		13	00	01	01
		18	00	13	66
		19	00	00	51
		23	00	04	55
		18			
		51	00	05	82
		214	00	19	98
		1228/1	00	00	25
		1233	00	00	51
तहसील : संगरूर		जिला : संगरूर		राज्य : पंजाब	
नागरा	109	2881	00	13	91
		2882	00	00	51
		2884	00	09	36
		2885/2	00	05	82
		2888	00	05	56
		2890	00	01	26
		2891	00	13	66
		2892	00	00	76
		2893	00	00	51
राम नगर सिबियाल	37	85	00	01	02
		339	00	07	08
		355/1	00	00	51
		357/1	00	01	26
		357/2	00	14	16
		357/3	00	07	59
		358	00	05	56
		368	00	02	02
		370	00	25	55
		376	00	19	22
		377/1	00	05	56
		380/1	00	13	15
		381	00	12	39
		389/1	00	16	19
		441	00	04	55
		442	00	04	55
		443/1	00	22	76
		444	00	21	76
उपली	7	2122	00	02	02
तहसील : फूल		जिला : भटिडा		राज्य : पंजाब	
हन्डूके	11	229			
		32	00	13	91
बाउके	450	212			
		16	00	01	77

[संख्या आर-31015/4/94-प्रो.भार.-I]

जे. के. सायल, प्रवर सचिव

New Delhi, the 4th January, 1995

S.O. 69.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Kandla in the state of Gujarat to Bhatinda in the state of Punjab, via Rajasthan and Haryana, pipeline should be laid by Indian Oil Corporation Limited ;

And, whereas, it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification :

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein of laying of the pipeline under the land to Shri J. K. Jha, Competent Authority, Kandla-Bhatinda Pipeline Project, Kothi No. 1010, Sector-42 'B', Chandigarh.

SCHEDULE

Tehsil : Sunam		District : Sangrur		State : Punjab		
Name of Village	Hadbast No.	Mustateel/ Killa No.	Area			
			Hec- tare	Acre	Centi- are	
1	2	3	4	5	6	
Mehlan	54	58				
		17	00	01	26	
		18	00	12	39	
		19	00	12	15	
		23	00	00	51	
		24	00	01	01	
Gobindpur Nagri	57	27				
		17	00	00	76	
		24	00	12	14	
		25	00	05	82	
		28				
		5	00	10	12	
		29				
		1/1	00	07	84	
		1/2	00	00	51	
		8/2	00	00	25	
		9	00	11	53	
		10/1	00	05	56	
		10/2	00	01	01	
		12/1	00	04	5	
Gujjran	110	8				
		17	00	02	53	
		24/2	00	05	82	
		25	00	10	62	
		17				
		1	00	10	12	
		9/1	00	04	05	
		9/2	00	02	78	
		10/1	00	03	79	
		10/2	00	03	04	

1	2	3	4	5	6
		12	00	13	15
		13	00	01	01
		18	00	13	66
		19	00	00	51
		23	00	04	55
		18			
		57/1	00	05	82
		214	00	19	98
		1228/1	00	00	25
		1233	00	00	51

Tehsil : Sangrur	District : Sangrur	State : Punjab			
Nagra	109	2881	00	13	91
		2882	00	00	51
		2884	00	09	36
		2885/2	00	05	82
		2888	00	05	56
		2890	00	01	26
		2891	00	13	66
		2892	00	00	76
2893	00	00	51		
Ram Nagar Sibian	37	85	00	01	02
		339	00	07	08
		355/1	00	00	51
		357/1	00	01	26
		357/2	00	14	16
		357/3	00	07	59
		358	00	05	56
		368	00	02	02
		370	00	25	55
		376	00	19	22
		377/1	00	05	56
		380/1	00	13	15
		381	00	12	39
		389/1	00	16	19
441	00	04	55		
442	00	04	55		
443/1	00	22	76		
444	00	21	76		
Upli	7	2122	00	02	02

Tehsil : Phul	District : Bhatinda	State : Punjab
Jhanduke	11	229
		312
Chauke	450	212
		16

[No. R-31015/4/94-O.R.-II]
J.K. MAYALL, Under Secy.

नई दिल्ली, 4 जनवरी, 1995

का.प्र. 70 :- केन्द्रीय सरकार ने, पेट्रोलियम और खनिज पार्श्व-लाईन (भूमि में उपयोग के अधिकार का प्रजनन) अधिनियम, 1962 (1962 का 50) (इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 6 की उपधारा (1) के अधीन जारी और भारत के राजपत्र के भाग-2 खण्ड-3, उपखण्ड (ii) की पृष्ठ संख्या 3538 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.प्र. सं. 2394, तारीख 17 सितम्बर, 1994 द्वारा यह घोषित किया कि उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पार्श्व लाईन बिछाने के लिए उपयोग के अधिकार का प्रजनन किया जाए ;

और केंद्रीय सरकार की जानकारी से यह साधा गया है कि राजपूत में प्रकाशित उक्त अधिसूचना में मृदा प्रकृति की कुछ गलतियाँ हैं ;

अतः, अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिसूचना में सतलज अभिसूची में निम्नलिखित संशोधन करती है :-

पृष्ठ संख्या 3538 : जोगा गांव के स्तम्भ 3 के नीचे किला स. "151" के स्थान पर "15/1" पढ़ें ।

यह और कि केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आगे यह निर्देश देती है कि उक्त शक्तियों में उपयोग का अधिकार केंद्रीय सरकार में निहित होने के बजाय सभी विल्लिंगतों से मुक्त होकर, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

[संख्या : भार-31015/13/93-ओ. आर-1]

जे. के. सायल, अवसर सचिव

New Delhi, the 4th January, 1995

S.O. 70.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, No. S.O. 2394, dated the 17th September, 1994, published in the Gazette of India, Part II, Section 3, Sub-section (ii), at page 3538, issued under sub-section (1) of Section 6 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared that the right of user in the land specified in the Schedule appended to the notification for the purpose of laying pipeline for the transport of petroleum should be acquired :

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act the Central Government hereby amends the Schedule appended to the said notification as follows :

at page 3538, for the schedule annexed to the said notification, the following Schedule shall be substituted, namely :—

"SCHEDULE

Tehsil : Mansa	District : Mansa	State : Punjab			
Name of Village	Hadvast No.	Mustateel/ Killa No.	Arca	Hec-tare	Are Cen-tiare
1	2	3	4	5	6
Joga	8	6			
		16	00	00	76
		25	00	01	01
		25			
		5	00	01	01
		6/2	00	01	01
		15/1	00	00	51

And, further, in exercise of the powers conferred by sub-section (4) of the said Section, the Central Government hereby directs that the right of user in the lands in respect of said village shall instead of vesting in the Central Government, vest, free from all encumbrances, in the Indian Oil Corporation Limited.

[No. R-31015/13/93-O.R. I]

J. K. MAYALL, Under Secy.

उद्योग मंत्रालय

(भारी उद्योग विभाग)

नई दिल्ली, 29 सितम्बर, 1994

का.घा. 71.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में निम्नलिखित कार्यालय को, जिनके 80% कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिगृहित करती है :-

भारत हेवी इलेक्ट्रिकल्स लिमिटेड,

जगदीशपुर,

जिला सुल्तानपुर,

उत्तर प्रदेश - 227818

[स.सं.-11012/(1)/92-हिन्दी]

ओ.पी. शरवर, उप-सचिव

MINISTRY OF INDUSTRY

(Department of Heavy Industry)

New Delhi, the 29th September, 1994

S.O. 71.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office whereof 80 per cent staff have acquired the working knowledge of Hindi :—

Bharat Heavy Electricals Ltd.,

Jagdish Pur,

Distt. Sultanpur,

Uttar Pradesh-227817.

[No. E. 11012(1)/92-Hindi]

O. P. SHARVAR, Dy. Secy.

जल भूजल परिवहन मंत्रालय

(नौवहन महानिदेशालय)

बम्बई, 2 जनवरी, 1995

(वाणिज्य पोत परिवहन)

का.घा. 72 :—भारत सरकार, जल भूजल परिवहन मंत्रालय की अधिसूचना संख्या एस. डब्ल्यू/एस. डब्ल्यू.एस.-40/85-एमटी, दिनांक, 22 अप्रैल, 1988 के साथ पठित, वाणिज्य पोत परिवहन (नाविक रोजगार कार्यालय) नियम, 1986 के नियम 3 के द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए और भारत सरकार, जल मूलन परिवहन मंत्रालय, नौवहन महानिदेशालय के शान्ती आदेश 1533, दिनांक 28 जून, 1993 के आंशिक आशोधनों नौवहन महानिदेशक एनद्वारा श्री अब्दुल मोमिन और श्री टी. एन. नम्बिराजन के स्थान पर भारतीय फारवर्ड सीमेन्स यूनियन के श्री ए. बी. दास और श्री एम. एल. चंदा को नौवहन राजगार बोर्ड का सदस्य नियुक्त करने हैं।

नवतुसार पूर्वोक्त अधिसूचना में क्रमांक 16 एवं 17 के सामने की गई प्रविष्टियों में श्री अब्दुल मोमिन और श्री टी. एन. नम्बिराजन के नामों को भारतीय फारवर्ड सीमेन्स यूनियन के श्री ए. बी. दास और श्री एम. एल. चंदा के नामों से प्रतिस्थापित किया जाए।

[फाइल सं. 24 (1)/सी आर/90]

आर. वासुदेवन, नौवहन महानिदेशक

MINISTRY OF SURFACE TRANSPORT

(Directorate General of Shipping)

Bombay, the 2nd January, 1995

(Merchant Shipping)

S.O. 72.—In exercise of the powers conferred by rule 3 of the Merchant Shipping (Seamen's Employment Office) Rules, 1986 read with the Notification of the Government of India, Ministry of Surface Transport No. SW/MWS-40/S5-MT dated 22nd April, 1988 and in partial modification of the Notification of the Government of India, the Ministry of Surface Transport, Directorate General of Shipping vide S.O. 1533 dated 28th June, 1993, the Director General of Shipping hereby appoints Shri A. B. Das, and Shri M. L. Chanda of Forward Seamen's Union of India as members on the Seamen's Employment Board, Calcutta in place of Shri Abdul Momin and Shri T. N. Nambirajan.

Accordingly, in the aforesaid notification, in the entries against Sr. No. 16 and 17 the names of Shri Abdul Momin and Shri T. N. Nambirajan shall be substituted by Shri A. B. Das and Shri M. L. Chanda of Forward Seamen's Union of India.

[F. No. 24(1)/CR/90]

R. VASUDEVEN, Director General
of Shipping

वस्त्रमंत्रालय

नई दिल्ली, 29 सितम्बर, 1994

का.पा. 73.—केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार एनद्वारा निम्नलिखित को केन्द्रीय रेशम बोर्ड के सदस्य के रूप में कार्य करने के लिए 29 दिसम्बर, 1997 की अवधि तक नामित करती है, इसमें 28 दिसम्बर, 1997 भी शामिल है।

"रेशम उत्पादन प्रायुक्त (ए.पी.) अधिनियम की धारा (4)

आन्ध्र प्रदेश सरकार, हैदराबाद।" (3) (छ) के अन्तर्गत आन्ध्र प्रदेश सरकार द्वारा नामित

[फाइल सं. 25012/5/94-रेशम]

अजय दास गुप्ता, उप सचिव

MINISTRY OF TEXTILES

New Delhi, the 29th December, 1994

S.O. 73.—In exercise of powers conferred by Section 4, of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby nominates the following to serve as a member of the Central Silk Board for a period upto and including 28th December, 1997 :—

"Commissioner of Sericulture (AP)
Government of Andhra Pradesh,
Hyderabad."

Nominated by the Government
of Andhra Pradesh under
Section 4(3)(g3) of the Act.

[File No. 25012/5/94-Silk]
JAYANT DASGUPTA, Dy. Secy.

भुषना और प्रसारण मंत्रालय

नई दिल्ली, 21 दिसम्बर, 1994

का.पा. 74.—चलचित्र (प्रमाणन) नियमावली, 1983 के नियम, 7 तथा 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उपरोक्त विषय पर इस मंत्रालय का अधिसूचना सं. 809/3/91-एफ(सी) दिनांक 30 सितम्बर, 1991 और सं. 809/1/92-एफ(सी) दिनांक 21 अगस्त, 1992, 26 अगस्त, 1992, 7 अक्टूबर, 1992, 30 दिसम्बर 1992 और सं. 809/4/93-एफ(सी), दिनांक 27 अप्रैल, 1993 के अधीन केन्द्रीय सरकार केन्द्रीय फिल्म प्रमाणन बोर्ड के बम्बई सलाहकार पैनल का पुनर्गठन करती है और निम्नलिखित व्यक्तियों को कथित पैनल में 1-1-1995 से 2 वर्ष की अवधि के लिए अथवा अगले आदेशों तक जो भी पहले हो सदस्य के रूप में नियुक्त करती है:—

1. श्री ए. आर. मुकुण्डयम.
2. श्री दाजी भाटवडेकर,
3. श्री सुधीर दामने,
4. श्रीमती भारती एन. पंजाबागी,
5. श्री योगेश्वर डी. गर्डे,
6. श्री रमेश निर्मल,
7. डा. एन. वेदारमन.
8. श्री एम. नातजी,
9. श्री मामूम हुसैन.
10. श्री गवेंद्र एन. लण्करी,
11. श्री अरविन्द डिबरेवाला,
12. श्री कैलाश मुरारवा,
13. श्री सुरेश एम. दिवडा,
14. श्री डी. के. रायकर,
15. श्री एम. एस. डारमिया,
16. श्री रानीव बी. चव्हाण.
17. श्री सुबोध मोलंकी,
18. श्री अनिल जियाराज शाह.
19. श्री हसमुख पटेल,
20. श्री भार्गवराज गुर्वे,
21. श्रीमती सुनीलता मुखार्ता,
22. प्रो. अमरनाथ दुबे.
23. श्री केसन हरकिशनदास शाह.
24. श्री समीर कमलाकर रेमाई,
25. सुश्री सुनीता सुरेश जोशी.
26. श्री हिम्मत रमनशी पटेल खेतावा,
27. श्री मोहिदीन जमशुद्दीन जाब ली.

28. श्री सुभाष पाण्डेय,
29. श्री जयकान्त गुप्ता,
30. श्री हारून रशीद,
31. डॉ. नरेन्द्र शर्मा,
32. श्री इस्तेखार खान,
33. डॉ. मृणालिनी पाटिल,
34. श्री मनोज दुबे,
35. श्री कैलिया उदय प्रेमजी,
36. श्रीमती जग्मेना पटेल,
37. श्रीमती करन खन्ना,
38. श्रीमती बॉली ठाकोर,
39. डॉ. (श्रीमती) मनीषा प्रभार,
40. श्रीमती गीता परसरीया,
41. श्रीमती पुष्पा भारती,
42. श्रीमती नूतन सागर,
43. श्रीमती गीता बाहल,
44. श्रीमती गीता एच. भाटवाणी,
45. श्रीमती सुधा बी. जोशी,
46. श्रीमती ऊषा मधोक,
47. श्रीमती ऊषा मेहता,
48. श्रीमती विजया श्रीधर काले,
49. श्रीमती सुशीला रानी पटेल,
50. श्रीमती प्रमिता वरदराजन,
51. श्रीमती उल्का विजय श्रीखण्डे,
52. श्रीमती रजनी लखनपाल,
53. श्रीमती मीनाक्षी बायमारे,
54. श्रीमती रश्मि शर्मा,
55. डॉ. शशि एम. बाकरे,
56. श्रीमती नीलोफर इस्माईल कुर्वा,
57. श्रीमती साची देवी चटर्जी,
58. श्रीमती प्रान्ति शिशिर कामानी,
59. श्रीमती वीणा बी. प्रभू,
60. डॉ. संगीता दत्ता,
61. श्रीमती उमादा कुन्हा,
62. श्रीमती सुशीला हिरकर,
63. श्रीमती गीता मदनियन,
64. श्रीमती नीता बरुवा,
65. श्रीमती नीलम माथुर,
66. श्रीमती अनुराधा ए. राजाध्यक्ष,
67. श्रीमती ममता कानडे

[फा.सं. 809/4/93-एफ (सी)]

शरवरी गोकखले, संयुक्त सचिव

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 21st December, 1994

S.O. 74.—In exercise of the powers conferred by sub-section (1) of section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in supersession of this Ministry's Notification No. 809/3/91-F(C) dated 30th September, 1991, and No. 809/1/92-F(C) dated 24th August, 1992, 26th August, 1992, 7th October, 1992, 30th December, 1992 and No. 809/4/93-F(C) dated 27th April, 1993 the Central Government is pleased to reconstitute the Bombay advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with effect from 1st January, 1995 for a period of two years or until further orders whichever is earlier :—

1. Sh. A. R. Subramaniam,
2. Sh. Daji Bhatawadekar,
3. Shri Sudhir Damle,

4. Smt. Bharti N. Ganjawalla,
5. Shri Yogeswar D. Gandhe,
6. Sh. Ramesh Nirmal,
7. Dr. S. Veda Raman,
8. Sh. H. Nanji,
9. Sh. Masoom Hussain,
10. Sh. Gajendra H. Lashkari,
11. Sh. Arvind Tibrewala,
12. Sh. Kailash Murarka,
13. Sh. Suresh M. Deora,
14. Sh. D. K. Raikar,
15. Sh. S. L. Dalmia,
16. Sh. Rajiv B. Chavan,
17. Sh. Subodh Solanky,
18. Sh. Anil Jiyaraj Shah,
19. Sh. Hasmukh Patel,
20. Sh. Bhargavrao Surve,
21. Mrs. Suloचना Savarna,
22. Prof. Amarnath Dube,
23. Sh. Ketan Harkishandas Shah,
24. Sh. Sameer Kamalakar Desai,
25. Ms. Sunita Suresh Joshi,
26. Sh. Himmat Ratanshi Patel Khetani,
27. Sh. Mohiddin Shamsuddin Jabali,
28. Sh. Subhash Pandey,
29. Sh. Jaykant Shukla,
30. Shri Haroon Rashid,
31. Dr. Narendra Sharma,
32. Shri Iftikhar Khan,
33. Dr. Mrunalini Patil,
34. Shri Manoj Dubey,
35. Shri Kenia Uday Premji
36. Smt. Zamena Patel,
37. Smt. Karan Khanna,
38. Smt. Dolly Thakore,
39. Dr. (Smt.) Manisha Ashar,
40. Smt. Sheila Pasricha,
41. Smt. Pushpa Bharati,
42. Smt. Nutan Sagar,
43. Smt. Geeta Wahal,
44. Smt. Nita H. Advani,
45. Smt. Sudha V. Joshi,
46. Smt. Usha Madhok,
47. Smt. Usha Mehta,
48. Smt. Vijya Shirdhar Kale,
49. Smt. Sushila Rani Patel,
50. Smt. Amrutha Verdarajan,
51. Smt. Ulka Vijay Shrikhande,
52. Mrs. Rajni Laxhanpal,
53. Smt. Meenalshi Waghmare,
54. Smt. Rashmi Sharma,
55. Dr. Shashi M. Bakre,
56. Smt. Niloufer Ismail Kurwa,
57. Smt. Sachhi Devi Chatterjee,
58. Smt. Pranti Shishir Kamani,
59. Smt. Veena V. Prabhu,
60. Dr. Sangeeta Dutta,
61. Smt. Uma Da Cunha,
62. Smt. Sushila Hirekar,
63. Smt. Gita Manian,
64. Smt. Nita Barua,
65. Smt. Neelam Mathur,
66. Smt. Anuradha A. Rajadhyaksha,
67. Smt. Mamata Kande.

[F. No. 809/4/93-F(C)]

SHARWAREE GOKHALE, Jt. Secy.

नई दिल्ली, 21 दिसम्बर, 1994

का.प्र. 75--चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 तथा 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और उपर्युक्त विषय पर इस मंत्रालय की अधिसूचना सं. 801/19-91-एफ (सी) दिनांक 16 सितम्बर, 1991 के अधिश्रमण में केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के कटक महाह्वार पैनल का पुनर्गठन करती है और निम्नलिखित व्यक्तियों को कथित पैनल में 1-1-95 से 2 वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, सदस्य के रूप में नियुक्त करती है :-

1. श्रीमती पदमाया दाम
2. श्री मनोरंजन दाम
3. श्री समुशल साहु (बाबू)
4. श्री प्रदेश पटनायक
5. श्री गोपाल छाबेय
6. डा. प्रियम्बदा हेजमादी
7. श्रीमती मनोरमा महापात्रा
8. श्रीमती कुल्लुषा पाण्डा
9. श्री एस. अहमद
10. डा. रानु मिश्रा
11. श्रीमती कुल्लुषा घालाय
12. डा. मालविका मोहंती
13. श्री प्रार. सी. डल
14. श्रीमती प्रतिभा रे
15. श्रीमती मनोविजि रे
16. श्रीमती नजुश्रा राणघट्टा
17. श्री हरिहर प्रसाद
18. श्री रत्नम मोहम्मद सुकुफ अहमद
19. श्री नरेन्द्र कृष्ण इन्ग
20. श्री गोविन्द नेत्र
21. डा. प्रदीप राव
22. श्री अरुण कुमार पण्डा
23. प्रो. कल्याण सागर देहेरा
24. श्री मत्ताकदी होता
25. श्री दुर्गा साधव मिश्रा
26. श्रीमती कुसकुम मोहंती
27. डा. (श्रीमती) राजेश्वरी श्रीनिवासन
28. डा. मरस्वती स्वेन
29. डा. सुधा मिश्रा

(का.सं. 809/5/93-एफ (सी))

गर्वरी गोखले, सचिव सचिव

New Delhi, the 21st December, 1994

S.O. 75---In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in supersession of this Ministry's notification No. 801/19-91-F (C) dated 16th September, 1991, the Central Government is pleased to reconstitute the Cuttack advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with effect from 1-1-1995 for a period of two years or until further orders whichever is earlier :-

1. Smt. Padmalaya Das
2. Shri Manoranjan Das
3. Shri Samuel Sahu (Babu)
4. Shri Pradesh Patnaik
5. Shri Gopal Chhotray

6. Dr. Priyambada Hejmadi
7. Smt. Manorma Mahapatra
8. Smt. Sankuntala Panda
9. Shri M. Ahmed
10. Dr. Ranu Mishra
11. Smt. Kuntala Acharya
12. Dr. Malabika Mohanti
13. Shri R. C. Dhall
14. Smt. Pratibha Ray
15. Ms. Manoswini Ray
16. Smt. Sanjibkta Panigrahi
17. Shri Harihar Prasad
18. Shri Rahim Mohammed Yusuf Ahmed
19. Shri Barendra Krishna Dhalo
20. Shri Govind Tej
21. Dr. Pradeep Rao
22. Shri Arun Kumar Panda
23. Prof. Karuna Sagar Dehera
24. Shri Satakadi Hota
25. Shri Durga Madhab Misra
26. Smt. Kumkum Mohanty
27. Dr. (Smt.) Rajeswari Srinivasan
28. Dr. Swaraswati Swain
29. Dr. Sudha Mishra

[F. No. 809/5/93-F (C)]

SHARWAREE GOKHALE, Jt. Secy.

नई दिल्ली, 21 दिसम्बर, 1994

का.प्र. 76--चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 तथा 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए और उपर्युक्त विषय पर इस मंत्रालय की अधिसूचना सं. 814/4/96-एफ (सी) दिनांक 30 सितम्बर, 1991, सं. 809/7/92-एफ (सी), दिनांक 28 फरवरी, 1992; 18 मई, 1992, 8 नवम्बर, 1992, 16 नवम्बर, 1992 और 5 जनवरी, 1993 के अधिश्रमण में केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के हैदराबाद महाह्वार पैनल का पुनर्गठन करती है और निम्नलिखित व्यक्तियों को कथित पैनल में 1-1-1995 से 2 वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, सदस्य के रूप में नियुक्त करती है :-

1. श्रीमती एम. सरला रानी
2. श्रीमती चित्रा नागराज
3. श्री सी. जे. रेड्डी
4. डा. एम. कृष्णामूर्ति
5. डा. पी. महाप्रदमी
6. श्रीमती एस. पी. सुशीला कनक राजू
7. श्रीमती एम. के. प्रार. आणालता
8. श्रीमती शांसी रानी
9. डा. बी. मलफोंडा रेड्डी
10. डा. एम. एम. गुरुप्रसा चोधरी
11. श्रीमती नलिनी गंकर
12. श्रीमती जी. मणि
13. डा. वासा प्रभाषती
14. श्री बी. मधुसूदन
15. श्री पी. बी. चेलपति राव
16. श्री के. पकीरैया नायडू
17. श्री रविनूतन सुवामा कसन
18. श्री राम मोहन राव
19. डा. एम. रवीन्द्रनाथ
20. श्री मन मोहन रेड्डी
21. श्री एच. बी. सुब्बाराव

22. डॉ. टी. रत्नाकर
23. श्री डी. विठ्ठल राव
24. श्री मीली
25. श्री जे. बापू रेड्डी
26. डॉ. (श्रीमती) के. उमा रामा राव
27. श्रीमती बी. मरयवती
28. डॉ. ए. आर. विजयमहर्षी
29. डॉ. पी. बालाम्बा
30. श्रीमती ए. वृंमलता
31. श्री गुरुवदा मुरलीधर
32. श्री बाय.एस. दुर्गा प्रसाद
33. श्री पोत्तुरी वेङ्कटेश्वर राव
34. श्री पी. वामन राव
35. श्री पोयुक्कुर्वा सम्भारामबा राव
36. श्री पार्थिवरा राव
37. श्री बी. बी. रामा राव
38. श्री आर. प्रभाकर राव

[पा.स. 809/3/93-एफ (सी)]

शर्बरी गाख्वा, सयुक्त राख्वा

New Delhi, the 21st December, 1994

S.O. 76.--In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in supersession of this Ministry's notifications No. 814/4/90-F (C) dated 30th September, 1991, No. 809/7/92-F (C) dated 28th February, 1992, 18th May, 1992, 8th November, 1992, 16th November, 1992 and 5th January, 1993, the Central Government is pleased to reconstitute the Hyderabad advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with effect from 1-1-1995 for a period of two years or until further orders whichever is earlier :—

1. Smt. M. Sarala Rani,
2. Smt. Chitra Nagaraj,
3. Shri C. J. Reddy,
4. Dr. M. Krishnamurti,
5. Dr. P. Mahalakshmi,
6. Smt. S. P. Suseela Kanaka Raju,
7. Smt. M. K. R. Ashalata,
8. Smt. Jhansi Rani,
9. Dr. V. Malkonda Reddy,
10. Dr. M. L. Gurappa Chowdary,
11. Smt. Nalini Shankar,
12. Smt. G. Mani,
13. Dr. Vasa Prabhavathi,
14. Shri V. Madhusudan,
15. Shri P. V. Chalapathi Rao,
16. Shri K. Pkeeralah Naidu,
17. Shri Ravinatal Suvama Kannan,
18. Shri Rama Mohan Rao,
19. Dr. S. Ravindranath,
20. Shri Man Mohan Reddy,
21. Shri Ch. V. Subba Rao,
22. Dr. T. Ratnakar,
23. Shri D. Vittal Rao,
24. Shri Mouli,
25. Shri J. Bapu Reddy,
26. Dr. (Mrs.) K. Uma Rama Rao,
27. Smt. B. Saraswathi,
28. Dr. A. R. Vijayalakshmi,
29. Dr. P. Balamba
30. Smt. A. Hemalatha,
31. Shri Kuruvada Muralidhar,

32. Shri Y. S. Durga Prasad,
33. Shri Potturi Venkateswara Rao,
34. Shri P. Vaman Rao,
35. Shri Pothukuchi Sambasiva Rao,
36. Shri Parvathala Rao,
37. Shri B. V. Rama Rao,
38. Shri R. Prabhakar Rao,

[F. No. 809/3/93-F (C)]

SHARWAREE GOKHALE, Jr. Secy.

नई दिल्ली, 21 दिसम्बर, 1994

का.प्रा. 77.--चलचित्र (प्रमाणन) नियमावली, 1983 के नियम 7 तथा 8 के साथ पठित चर्चित अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करने हुए और उपर्युक्त विषय पर इस मन्त्रालय की अधिसूचना सं. 809/3/91/एफ (सी) दिनांक 30 सितम्बर, 1991, और सं. 809/4/92एफ (सी) दिनांक 13 मई, 1992, 27 अगस्त, 1992, 22 नवम्बर, 1992, 28 दिसम्बर, 1992; 23 फरवरी, 1993; 26 फरवरी, 1993 और 15 जन 1993 के अधिसूचना में केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के सदस्य महाहकार पैनल का पुनर्गठन करती है और निम्नलिखित व्यक्तियों को कथित पैनल में 1-1-1995 में 2 वर्ष की अवधि के लिए अथवा अवधि समाप्त होने तक, जो भी पहले हो, सदस्य के रूप में नियुक्त करती है :—

1. श्री डी. ई. आर. गुप्ता
2. सुधी ललिता रविचन्द्रन
3. श्रीमती रेमा देवी
4. श्री आर. वामोदरन
5. डा. (श्रीमती) एम्बर पार्थिवरा
6. श्रीमती मुणीला पद्मनाभन
7. श्री नार्मी मुणुसामी चेट्टी
8. श्री बी. पार्थसारथी
9. श्री राज्जा चन्द्रन
10. श्री आर. लक्ष्मण
11. डॉ. (प्रो.) ए. एन. प्रमोदम
12. श्री एस. एन. गणपति
13. श्री एस. राधाकृष्णन
14. श्री एस. ए. सावन
15. श्री जी. पद्मा
16. श्री कृष्णारा जनाधन
17. श्री ई. एस. इनबनराजम
18. श्री नेलवई अज्जरिया
19. श्री बी. एस. केलायथम
20. श्री एस. पी. विनायका मूर्ति
21. श्री महेंद्रन
22. श्री ई. सक्कर
23. श्री जी. बालमुक्कमल्लन
24. श्री विन्सेन्ता राज
25. श्री ए. गोपन्ता
26. सुधी के. सुमति
27. श्रीमती आर. मीना
28. श्री के. बी. माधवन
29. श्रीमती मीना लक्ष्मी एस
30. श्री जे. मल्हा राजन
31. श्री कृष्णेश्वर शंकर
32. श्री एस. ए. मुखार्जन
33. श्री ए. पी. एस. सुब्बु

34. श्री डी. विनायकन
35. श्री एम. गोविन्दसामी
36. श्री के. परमासिवम
37. श्री ए. थी. श्रीनिवासन
38. श्री के. श्रीधरन
39. श्रीमती अनुराधा रामन
40. श्रीमती भवानी कुमार
41. श्रीमती जया अरुणाचलम
42. श्रीमती लक्ष्मी राजाराम
43. श्रीमती वाय. जी. पार्थसारथी
44. सुश्री शिवाशंकरा
45. सुश्री के. सुजता राव
46. श्रीमती सुरेखा कोटारी
47. श्रीमती तुषारी भीमन
48. श्रीमती मोन राठौर
49. श्रीमती विमला वसुदेव राव
50. श्रीमती मल्लिका बंकरामन
51. श्रीमती शोभा कुमारी
52. श्रीमती प्रमदा माधवन
53. श्रीमती स्वर्ण राजा
54. श्रीमती निकिता
55. श्रीमती निर्मल
56. श्रीमती ज्योति दासबानी
57. श्रीमती प्रहला कामेश्वरन
58. श्रीमती उषा श्रीनिवासन
59. श्रीमती रेवती पण्णुगम
60. श्रीमती गीता बांकर
61. श्रीमती उषा रानी सेकर
62. सुश्री लता मेनन
63. सुश्री महालक्ष्मी जयनाथ
64. श्रीमती पेगी लालु धामन
65. सुश्री के. भारती
66. सुश्री येनमोक्षे
67. सुश्री लता
68. सुश्री धार. वृन्दा
69. सुश्री राजेश्वरी
70. सुश्री विजया ज्ञानकीरमन
71. सुश्री गीता कृष्णन
72. सुश्री उषा चन्द्रशेखर
73. सुश्री गीरी
74. सुश्री गीति नंदगोपाल
75. श्रीमती विजयलक्ष्मी राजसेकर
76. डा. रेणुका श्रीनिवासन
77. श्रीमती ललिता श्रीराम
78. श्रीमती जयन्ती
79. श्रीमती ललिता पण्णुपति
80. डा. (श्रीमती) सरस्वती गोविंदराजन
81. डा. गुमिनाथन

[फ. सं. 809/8/93/एफ (सो)]

शर्धरी गोखले, मद्रास सचिव

New Delhi, the 21st December, 1994

S.O. 77.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 and in supersession of this Ministry's notifications No. 809/5/91-F. (C), dated 30th September, 1991, and No. 809/9/92-F. (C), dated 13th May, 1992, 27th August, 1992, 22nd September, 1992, 28th December, 1992, 23rd February, 1993, 26th February,

1993 and 25th June, 1993. The Central Government is pleased to reconstitute the Madras advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with effect from 1-1-1995 for a period of two years or until further orders, whichever is earlier :

1. Shri D. F. R. Sugumar
2. Ms. Lalitha Ravichandran
3. Smt. Rema Ravi
4. Shri K. Domodaran
5. Dr. (Mrs.) Esther Pandian
6. Mrs. Susheela Padmanaban
7. Shri Nali Kuppasamy Chetty
8. Shri V. Parthasarathy
9. Shri Rajaya Chandran
10. Shri R. Varadan
11. Dr. (Prof.) A. S. Pragasam
12. Shri S. N. Gopalakrishnan
13. Shri S. Radhakrishnan
14. Shri S. A. Bhalan
15. Shri G. Prabha
16. Shri Kuthipara Janardhanan
17. Shri E. S. Inbanayagam
18. Shri Nellai Azaria
19. Shri V. S. Velayutham
20. Shri S. G. Vinayaga Moorthy
21. Shri Mahendran
22. Shri L. Sekar
23. Shri G. Balasubramanian
24. Shri Vignesh Raja
25. Shri A. Gopanna
26. Ms. K. Sumathy
27. Smt. R. Meena
28. Shri K. B. Madhavan
29. Smt. Geetha Lakshmi S.
30. Shri J. Selva Rajan
31. Shri Kurubhyia Shankar
32. Shri M. A. Muthalakan
33. Shri A. P. S. Subbu
34. Shri D. Vinayakan
35. Shri M. Govindasami
36. Shri K. Paramasivam
37. Shri A. V. Srinivasan
38. Shri K. Sreedharan
39. Smt. Anuradha Ramanun
40. Smt. Bhavani Kumar
41. Smt. Jaya Arunachalam
42. Smt. Lakshmi Rajaram
43. Smt. Y. G. Parthasarathy
44. Ms. Sivasankari
45. Ms. K. Sujata Rao
46. Smt. Surekha Kothari
47. Smt. Tulasi Gautaman
48. Smt. Minu Rathore
49. Smt. Vimula Vasudeva Rao
50. Mrs. Mallika Venkataraman
51. Mrs. Santhakumari
52. Mrs. Prasanna Madhavan
53. Mrs. Swarna Raja
54. Mrs. Nikila
55. Mrs. Nirmal
56. Mrs. Iyothi Daswani
57. Mrs. Prabada Kameswaran
58. Mrs. Usha Srinivasan
59. Mrs. Revathi Shanmugam
60. Mrs. Geetha Banker
61. Mrs. Usha Rani Sekar
62. Ms. Latha Menon
63. Ms. Mahalakshmi Jayanth

64. Mrs. Peggy Lahu Thomas
65. M/s. K. Bhatathy
66. Ms. Thenmozhe
67. Ms. Latha
68. Ms. R. Brinda
69. Ms. Rajeswari
70. Ms. Vijaya Janakiraman
71. Ms. Geetha Krishnan
72. Ms. Usha Chandrasekar
73. Ms. Gowri
74. Ms. Shanthi Nandagopal
75. Mrs. Vijayalakshmi Rajasekar
76. Dr. Renuka Srinivasan
77. Mrs. Lalitha Sriram
78. Mrs. Jayanthi
79. Mrs. Lalitha Pasupathy
80. Dr. (Mrs.) Saraswathi Govindarajan
81. Dr. Suganthavathi

[F. No. 809/6-93-F (C)]

SHARWAREE GOKHALE, Jr. Secy.

नई दिल्ली, 21 दिसम्बर, 1994

क्र.प्रा. 78.—चलचित्र (प्रमाणन) नियम(वनी, 1983 के नियम 7 तथा 8 के साथ पठित अधिनियम, 1952 (1952 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए और उक्त विषय पर इस मंत्रालय की अधिसूचना सं. 809/1/91/एफ (सी) दिनांक 30 सितम्बर, 1991 के अधिनियम में केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड के निश्चयनसुखम सहायक पैनल का पुनर्गठन करती है और निम्नलिखित व्यक्तियों को कथित पैनल में 1-1-1995 से 2 वर्ष की अवधि के लिए त्रयवा प्रत्येक आदेशों तक जो भी पड़े हो, सदस्य के रूप में नियुक्त करती है :—

1. श्री के. श्री. हरिदास
2. श्री एम. एफ. धामरा
3. श्री टी. एन. जयदेवन
4. श्री पी. रामचन्द्रन नायर
5. श्री पी. देवदास
6. श्रीमती उषा राजगोपालन
7. प्रो. सुलोचना नायर
8. श्रीमती भामा रामकृष्णन
9. श्रीमती जया चन्द्रहोसन
10. श्रीमती राजी कृष्णमूर्ति
11. डा. एन. ए. करीम
12. श्रीमती साराह धामरा
13. श्री कुलाथर भास्करन नायर
14. श्रीमती गिरिजा सेनुनाथ
15. श्रीमती प्रमिला गोपाळकृष्णन
16. श्रीमती चेचम्मा इयाक
17. श्रीमती निर्मला बाबुपॉल
18. श्रीमती सांथा नायर
19. डा. (श्रीमती) वी. एम. राजलक्ष्मी
20. श्री के. पी. देवदास
21. प्रो. एम. बुष्णन नायर
22. श्री के. पी. उदय भानु
23. श्रीमती रागिनी कृष्णन
24. श्री ए. के. हमीद

[फा सं. 809/10/93/एफ (सी)]

गवर्नी गोजने, संयुक्त सचिव

New Delhi, the 21st December, 1994

S.O. 78.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952), read with rules 7 and 8 the Cinematograph (Certification) Rules, 1983 and in supersession of this Ministry's notifications No. 809/7/91-F (C) dated 30th September, 1991 the Central Government is pleased to re-constitute the Thiruvananthapuram advisory panel of the Central Board of Film Certification and to appoint the following persons as members of the said panel with effect from 1-1-1995 for a period of two years or until further orders whichever is earlier :—

1. Shri K. V. Haridasan
2. Shri M. F. Thomas.
3. Shri T. N. Jayadevan.
4. Shri P. Ramachandran Nair.
5. Shri P. Devdas,
6. Smt. Usha Rajagopalana,
7. Prof. Sulochana Nair,
8. Smt. Bhama Ramakrishnan,
9. Smt. Jaya Chandrabasan.
10. Smt. Raji Krishnamoorthi,
11. Dr. N. A. Karim,
12. Smt. Sarah Thomas,
13. Shri Kulathoor Bhaskaran Nair,
14. Smt. Girija Sethunath,
15. Smt. Prameela Gopalakrishnan,
16. Smt. Chechamma Isaac,
17. Smt. Nirmala Babu Paul,
18. Smt. Santha Nair.
19. Dr. (Mrs.) V. M. Rajalashmi,
20. Shri K. P. Devedas,
21. Prof. M. Krishnan Nair
22. Shri K. P. Udaya Bhanu,
23. Smt. Ragini Krishnan,
24. Shri A. K. Hamood.

[F. No. 809/10-93-F (C)]

SHARWAREE GOKHALE, Jr. Secy.

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 4 जनवरी, 1995

क्र.प्रा. 79.—दिल्ली विकास (मुख्य योजना तथा क्षेत्रीय विकास योजना) नियम 1954 के नियम 5 के साथ पठित दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 10(1) के अंतर्गत राष्ट्रीय राजधानी क्षेत्र दिल्ली की क्षेत्रीय विकास योजना के प्रावप को तैयार करने तथा उसके प्रकाशन के लिए सूचना।

एतद्वारा सूचना दी जाती है कि :—

(क) राष्ट्रीय राजधानी क्षेत्र दिल्ली के जॉन "सी" (मिडिल लाईन क्षेत्र) के लिए एक क्षेत्रीय विकास योजना प्रावप तैयार कर लिया गया है।

(ख) उसकी एक प्रति निरीक्षण के लिए दिल्ली विकास प्राधिकरण के कार्यालय, भूतल, विकास मीमार में आगे पैरा 3 में उल्लिखित तारीख तक सभी कार्य विभागों के दौरान प्रा. 11.00 बजे से प्रा. 5.00 बजे तक उपलब्ध होगी।

3. इस प्रावप योजना के सम्बन्ध में एतद्वारा आपत्ति एवं सुझाव आमंत्रित किए जाते हैं।

3. आपत्ति एवं सुझाव लिखित रूप में प्राप्त एवं सचिव, विकास विकास प्राधिकरण, विकास सदन, नई दिल्ली 23, को मनु 1995 के अग्रिम महीने की 13(तेरह) तारीख से पहले भेजें।

आपत्ति/सुझाव भेजने वाले व्यक्ति को अपना नाम एवं पता भी अवश्य देना चाहिए।

[फाइल नं. एफ. 1(16) 92 जैड पी.]

विश्व मोहन बंसल, आयुक्त एवं सचिव

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 4th January, 1995

S.O. 79.—Notice under Section 10(1) of the Delhi Development Act, 1957 (No. 61 of 1957) read with rule 5 of the Delhi Development (Master Plan and Zonal Development Plan) Rules, 1959, of the preparation and publication of the draft of the Zonal Development Plan for the National Capital Territory of Delhi.

Notice is hereby given that :

- A draft of a Zonal Development Plan for Zone 'C' (Civil Lines Area) in the National Capital Territory of Delhi has been prepared.
- A copy thereof will be available for inspection of the office of the Delhi Development Authority, on Ground Floor, Vikas Minar, I.P. Estate, New Delhi between hours of 11 A.M. to 5 P.M. on all working days till the date mentioned in para '3' herein-after.

2. Objections and suggestions are hereby invited with respect to this draft plan.

3. The objection or suggestion may be sent in writing to the Commissioner-cum-Secretary, Delhi Development Authority, Vikas Sadan, INA, New Delhi-23, before the 13th day of April, 1995.

Any person making the objection or suggestion should also give his name and address.

[No. F. 1(16) 92-ZP]

V. M. BANSAL, Commissioner-cum-Secy.

श्रीम मंत्रालय

नई दिल्ली 15 दिसम्बर, 1994

का. शा. 80.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एम सी सी एल. के पर्यवेक्षण के संकेत नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हेतु विवाद के संकट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-94 को प्राप्त हुआ था।

[सं. एल.-22012/59/94 आई आर (सी-ii)]

राजा लाल डेस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 15th December, 1994

S.O. 80.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 15-12-1994.

[No. L-22012/59/94-IR (C. II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDRABAD

PRESENT :

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated, 6th day of December, 1994

Industrial Dispute No. 44 of 1994

BETWEEN

The Vice President,
Singareni Mines and Engineering Works Union,
(HMS) Godavarikhani, Karimnagar District
..Petitioner/Workman

AND

The General Manager,
Singareni Collieries Company Limited.
Ramagundam Division-I,
Godavari Khani, Karimnagar District ..Respondent/Management.

APPEARANCES :

None—for the Petitioner.

Sri K. Srinivasa Murthy, G. Sudha, J. Shyamala and
Y. S. Chakravarthy, Advocates—for the Respondent/Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/59/94-IR (C-II), dated 24/27-6-1994 referred the following dispute under Section 10(1)(d) and Sub-section 2-A of Section 10 of the I. D. Act, 1947 between the employers in relation to the Management of M/s. Singareni Collieries Company Limited, Ramagundam and their Workmen to this Tribunal for adjudication :

"Whether the action of the Management in not preparing the date of promotion of Sri S. A. Rahim, Driver, Transport Section RG-I, S.C. Co. Ltd., Godavarikhani to the Post of Driver Grade-C from 1-3-1989 to 1-3-1988 on par with Sri R. Rajanna is legal and justified? If not to what relief the workman is entitled?"

This dispute was registered as Industrial Dispute No. 44/94 on the file of this Tribunal and notices were issued to both the parties by Registered Post Ack. Due.

2. The Notice issued to the Petitioner was served on 9-8-1994 on 26-9-94 when the case was called the Petitioner called absent again on 6-10-94 the Petitioner was called absent he was set ex parte and the matter was posted for counter. Sri K. Srinivasa Murthy and G. Sudha and others filed Vakalat for the Respondent on 2-11-94. Respondent not filed the counter time was extended to 6-12-94. On 6-12-94 also counter not filed. As both parties failed to take any interest in the matter under dispute, the reference is closed.

3. Hence the reference is closed.

Written by me given under my hand and the seal of this Tribunal this the 6th day of December, 1994.

A. HANUMANTHU, Industrial Tribunal-I

नई दिल्ली, 15 दिसम्बर, 1994

का. मा. 81.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उक्त एल. के प्रस्तावों के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई में, 2 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-94 को प्राप्त हुआ था।

[सं. एल.-22012/226/92-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 15th December, 1994

S.O. 81.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay No. 2 as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd and their workmen, which was received by the Central Government on the 15-12-94.

[No. I-22012/226/92-IR (C. II)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/67 of 1992

Employers in relation to the management of Ghugus Opencast of W. C. Ltd.

AND

Their Workmen.

APPEARANCES :

For the Employer : Mr. B. N. Prasad, Advocate.

For the Workmen : Mr. D. U. Khare, Representative.

Bombay, dated 22nd November, 1994

AWARD

The Government of India, Ministry of Labour, New Delhi by its letter No. L-22012/226/92-IR(C-II), dated 10-12-91 has referred to the following industrial dispute for adjudication :

SCHEDULE

"Whether Shri D. U. Khare, Drill Operator, is entitled to get the overtime of 24 hours dated 16-10-1987, 21-11-87, 30-11-87 and punishment as per enquiry report, promotion in higher grade, and allotment of quarter as per seniority from the Sub Area Manager, W. C. Ltd., Ghugus Opencast, Distt. Chandra-pur? If not, to what relief he is entitled to?"

2. Shri D. U. Khare the workman who is the Vice President of S.C/S. T/B.C Council Group of Mine is the Applicant himself and filed his statement of claim. He contended that he is not paid the overtime wages for 24 hours of overtime done on 16-10-87, 29-11-87 and 30-11-87. While claiming this overtime wages he claimed 18 per cent interest n.a. on it and penalty on that amount which is ten times. He averred that even though he worked during those days the overtime was not paid to him as he being the backward and always tried to raise a dispute of the workers before the management.

3. He also contended that he was suspended on 30-8-86, 16-9-87 and 28-1-88. He was under suspension for a short time on all these days. But he is not given the salary in this period for which he is entitled to. According to him, these suspension orders were issued with a bias mind and without any fault on his part. It is asserted that nothing came out of these enquiries and as such he is entitled for the remuneration for that period.

4. The employee contended that he was entitled to pro- to grade B from 20-1-88. But he was not given the motion. According to him, the management discriminated while granting promotions. He asserted that due to non-promotion, he sustained loss of pay in that period and he is entitled for the same from 1983 till 1988.

5. The Applicant contended that he was entitled for a quarter but was deliberately not given the same. When it was given, it was already occupied by another person and he could not vacate him and had to reside outside and pay a rent of Rs. 500 p.m. and is entitled for that rent from the employer.

6. The management by their written statement Exh. 3 and Exh. 6 denied all the contentions taken by the Applicant. They asserted that the overtime wages even though not due were already paid to the applicant before filing of the statement of claim. Under such circumstance the claim made in the claim is absolutely incorrect. There is not justification for claiming any interest or the penalty at ten times on the due amount.

7. The management pleaded that the promotion of the employee is prerogative of the employer. The due promotion is given to the employee when he was found due. It is averred that the claim of the workman that he has to be promoted to Grade B from Grade D shows the claiming of double promotion which cannot be granted at all. It is averred that the Applicant was suspended when a departmental enquiry was held against him. But on two occasions for good gesture the enquiry was not continued on his assurance that he will not claim any salary for the suspension period. Now he cannot claim the same. It is averred that in one chargesheet he has accepted the guilt and therefore he is not entitled to any remuneration for that period. It is averred that even though that being the position now the workman is paid 8 days salary in that suspension period. It is submitted that as he has claimed the salary of the suspension period now the management will proceed with the departmental enquiry which was stopped.

8. The management averred that the workman is allotted with a quarter and he has already occupied the same. He was also given the House Rent as per the rules. It is averred that looking to the strength of the employee, the housing accommodation is not sufficient. As per the rules of employment the management is not bound to provide the house accommodation. But even then as a social welfare as far as possible, they are doing the same. There is no justification in the claim of the Applicant so far as the Housing accommodation is concerned.

9. It is pleaded that the reference which is made to this Tribunal is vague. The dispute mentioned therein cannot be said to be an industrial dispute and hence the Court has no jurisdiction to try the same.

10. The issues that fall for my consideration and the findings thereon are as follows :

ISSUES	FINDINGS
1. Whether the employee is entitled to overtime as claimed for?	NO
2. Whether the employee is entitled to salary for the period in which he was suspended?	NO
3. Whether the employee is entitled for promotion as claimed?	NO
4. Whether the claim of the employee in respect of the quarter is justified?	NO
5. Whether the Tribunal has the jurisdiction to decide the reference?	YES

REASONS

11. Both the parties have filed purshis (Exh. II) informing the Tribunal that they do not want to lead any oral evidence. In other words, they rely upon the statement of claim, and the written statement and the documents which are filed on the record. Mr. Khare, the employee has filed documents along with Exh. 4 and Exh. 8. So far as the overtime is concerned, the documents which are produced by the Applicant have over writing. Furthermore, there is no signature of the competent authority on it. It is contended in the written statement that when there is an exigency or urgency of work the employees are engaged on overtime work. Before doing so, approval of the competent authority has to be taken. The payment of overtime is made immediately. The Applicant had claimed overtime for the work done on 16th October, 1987, 24-11-87 and 30-11-87. It is claimed on this claim is made by him after a lapse of 3-4 years. The record for such a claim is not available. Even then some papers were made available to the management which created a doubt about the authenticity of his working as overtime. But the management had given all the benefits due to the employee and also allowed the employee overtime wages and it was duly paid to him on 15-2-1993 i.e. before the filing of the statement of claim on 10-3-1993. This position is not disputed by the Applicant. I do not find any reason that as this is so, why the work of the management should not be accepted so far as all other contentions taken by it in the written statement. As this being the position, the workman should have claimed only the interest or the penalty which he wants to claim. But he had not done so. Reverting back to the claim of interest and penalty, it appears to me that the overtime is granted to the Applicant to keep a smooth relation between the employee and the employer and not as of a right. As such, he is not entitled to interest. Furthermore, nothing is brought before me to show that he is entitled to ten times penalty from the management on the due amount.

12. The employee has claimed wages for the suspension period from 30-8-86 to 7-9-86, 16-9-87 and from 28-1-88 to 5-2-88. Out of these three periods are concerned the chargesheet was issued to the workman on 30-8-86 for causing wilful damage to work in progress or to the property of the employer and he was suspended from 30-8-86 to 7-9-86 which was for 8 days. On 28-1-88, another chargesheet was issued to him for operating the machine rashly and carelessly and causing severe damage to it. He was suspended from services from 28-1-88 to 5-2-88 i.e. for 9 days. In both these proceedings it is submitted by the employer that the Applicant approached the management and therefore the management decided to adopt an attitude to forget and forgive and not pursue the matter seriously. It was an understanding that he will not claim the wage for the suspension period at that time. In the provisions of modern standing order, full wages will be payable only when the workman is not found guilty on conclusion of the departmental enquiry. In both these Departmental Enquiries the proceedings were kept aside and no conclusions were drawn and the workman was allowed to work. It is therefore submitted that as there were no findings in respect of those enquiries, he is not entitled to any wages during the suspension period.

13. So far as the suspension on 16-9-87 is concerned, a chargesheet was issued to him on 16-9-87 and in that proceeding the employee Shri Khare filed a written apology with the management and the management decided to take a lenient view in the matter. The period of suspension which the employee Mr. Khare had already suffered pending enquiry was treated as a punishment with a warning to be careful in future. As such the workman is not entitled to wages for that period which he has claimed.

14. It is submitted on behalf of the management that even though the position is that to have a smooth relationship with the employees the higher management had directed to pay the wages for 4 days for the suspension period from 30-8-86 to 7-9-86 and again for 4 days for the suspension period from 28-1-88 to 6-2-88. This was done with a view to settle the matter amicably.

15. Nothing is brought before me to show that the workman is entitled to 8 days wages during the suspension period even though the enquiry is not complete. It can be further seen that this being a pecuniary claim and which is according

to the workman as fixed, he should have filed an application under section 33C(2) of the Industrial Disputes Act which he had not done. It can be further seen that the provisions on which the management relied on are already referred to are not denied by the workman. Under such circumstance, the workman is not entitled to wages for the suspension period which he had claimed.

16. It cannot be disputed that the promotion of the employee is primarily managerially prerogative. No employee can claim the promotion as a matter of right. The promotion depends upon many factors such as qualification, experience, performance and availability of the post subject to recommendation and examination of the departmental promotion committee of the eligible departmental candidates. Here in this case when the Applicant was recommended by the committee he was promoted and not earlier. Admittedly at relevant time the workman was working in D grade and he has claimed promotion to B grade directly. In other words, he wants two promotions Grades C and B at a time which he is not entitled to. The claim of the Applicant for promotion from 1-1-1988 is baseless and does not support with any documentary or other evidence. It can be further seen that he is now promoted and so far as the monetary claim of the earlier promotions which he claims that he is entitled to is not justified and is not acceptable.

17. No rules are proved before me to show that the employee when employed with the opponent is entitled to a quarter by way of the service condition. The management has come forward with the case that as a social welfare, they allotted quarters. It can be further seen that it is averred that the workman was being paid the House Rent Allowance in terms of the National Court Wage Agreement which is not denied by the workman. It can be further seen that the quarter is allotted to the workman and he has occupied the same from 21-8-93. Under such circumstance, the claim in respect of the quarter and the rent which is claimed by the workman is not justified.

18. As I have answered all these points which are raised for in the reference in the negative there is no need to go into the point of jurisdiction in detail. It is tried to submit on behalf of the management that the union is not of the Council Group of mine and cannot raise the claim. It can be seen that Mr. Khare himself is the vice-president of the said Council Group of Mines. It can be said that this claim is filed in the personal capacity. The reference which is made no doubt is ambiguous but it is not of such a nature that the reference cannot be decided. Under such circumstance I find that the Tribunal has jurisdiction to decide the matter. Hence I return my findings on the issues which I have framed above accordingly and pass the following order :

ORDER

1. Shri D. U. Khare, Drill Operator is not entitled to get overtime of 24 hours dated 16-10-87, 21-11-87, 31-11-87.
2. Shri D. U. Khare is not entitled to wages for the suspension period, nor promotion as he has claimed.
3. Shri D. U. Khare has already occupied the quarter and the reference to that part in the reference does not survive.
4. No order as to costs.

Dated : 22-11-94.

S. B. PANSF, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 1994

का. प्रा. 72.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार बैंक आफ इंडिया के प्रबंधन के संज्ञक नियोजकों और उनके कार्यकारी वीज, अनुसूचन में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण 2 सम्बन्ध के पंचपट को प्रकाशित करते हैं, जो केन्द्रीय सरकार को 16-12-94 को प्राप्त हुआ था।

[संख्या एन-12012/186/90-आई. आर. बी.-2]

ब्रज मोहन, ईश्वर अधिकारी

New Delhi, the 16th December, 1994

ORDER

S.O. 82.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 16th December, 1994.

[No. L-12012/186/90-IR(B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/41 of 1990

Employers in relation to the management of Bank of India

AND

Their Workmen

APPEARANCES:

For the Employers—Shri L. L. D'souza, Representative.

For the Workmen—Shri D. P. Patil, Representative.

Bombay, dated the 6th December, 1994

AWARD

The Government of India, Ministry of Labour, New Delhi by its letter No. L-12012/186/90-IR B-II, dated 11th December, 1990 had referred the following industrial dispute for adjudication to this Tribunal in the following words:

"Whether the action of the Bank of India in relation to its Solapur main branch in not assigning duties of Spl. Asstt. and denying the payment of allowance of special assistant's post to Shri B. C. Kale during the period from 30th March, 1988 to 28th April, 1988 as per clause 8(a) of the settlement signed on 5th February, 1987 between Federation of Bank of India Staff Union and the Employer is justified? If not, to what relief the workman is entitled to?"

2. The union filed its statement of claim at Exh. 2, and the management filed its written statement at Exh. 3. The union also filed a rejoinder at Exh. 6.

3. The issues were framed and the order was for evidence. The workman Shri Kale filed his affidavit at Exh. 11 and the order was adjourned for cross-examination.

3. The issues were framed and the order was for evidence, respect of the three matters which were pending before the Tribunal. Then the management kept the proposal of compromise on 21st November, 1994. The union took time to consider the proposal and yesterday filed purshis at Exh. 12 and accepted the proposal which was made by the management on 21st November, 1994. As the order is settled between the parties looking to the industrial peace it is just and proper to record the say inspite of going in to the details of the reference which is sent to me for adjudication. It is agreed that in view of the proposal the terms of the reference need not be answered. It has to be decided on the basis of package deal. Hence I pass the following order:

1. The management to pay an amount of Rs. 475 vis-a-vis the amount of special assistant allowance to Shri B. C. Kale at the Solapur (Main) Branch.
2. No order as to costs.

Dated: 6th December, 1994.

S. B. PANSE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 94

का. घा. 81.--औद्योगिक विवाद अधिनियम, 1947, (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबन्धतंत्र के संलग्न नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार सरकार औद्योगिक अधिकरण 2 बम्बई के पंचपट को प्रकाशित करत है, जो केन्द्रीय सरकार को 16-12-94 को प्राप्त हुआ था।

[संख्या एल--12011/20/87-आर्. आर.)बी.-2/बी ii]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 16th December, 1994

S.O. 83.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 16th December, 1994.

[No. L-12011/20/87-D. II-A/IR (B-II)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/18 of 1988

Employers in relation to the management of Bank of India

AND

Their Workmen

APPEARANCES:

For the Employers—Shri L. L. Disouza, Representative.

For the Workmen—Shri D. P. Patil, Representative.

Bombay, dated the 6th December, 1994

AWARD

The Government of India, Ministry of Labour, New Delhi by its letter No. L-12011/20/87-D II, had referred the following industrial dispute to this Tribunal for adjudication:

"Whether the action of the management of Bank of India in reducing the number of machine operators at Pune (Main) Branch from 5 to 4 w.e.f. 27th March, 1986 without giving notice under Sec. 9A of the I. D. Act is justified? If not, to what relief are the workmen concerned entitled?"

2. The Union of Bank of India staff through the General Secretary filed its statement of claim from the several prayers included in it to direct the Bank to pay Special allowance to the post of machine operator or Senior Bank employees by the Bank for its Pune (Main) branch.

3. The union submitted that the Bank had not filled up this post of machine operator in its Pune (Main) branch and had not paid the special allowance to the section employees of the Bank as per the policy of allotment of post. It further contended that the action of the management to reduce the strength of machine operators from 5 to 4 in respect of the Pune branch is violation of section 9-A of the Industrial Disputes Act. It is averred that by doing of these things the management had practiced unfair labour practise which is not allowed. It is averred that the existing system is left and the Bank has adopted another system without any proper reason.

4. The claim of the Union was strongly opposed by the management by its written statement at Exh. 3. It is averred that no notice for change is required under section 9-A of the Industrial Disputes Act, for organising and re-organising the existing department. It is asserted that the action of the management is perfectly legal and proper and not unjust is caused and they have not adopted unfair labour practise.

5. The documents were produced and issues were framed. Shri Ashok Vaidya lead evidence for the union thereafter one Shri Prakash Shukla the General Secretary filed his affidavit in support of his claim. He was cross-examined and later on the matter was adjourned. It was adjourned because it was informed to the Tribunal that the matter is likely to be compromised. On 21st November, 1994 by exh. 18 the management filed proposal to compromise all the matters including the present one.

6. The union took time for considering the same and on 5th December, 1984 it filed purshis (Exh. 19) accepting the proposal to compromise dated 21st November, 1994. As this is accepted the dispute does not exist now. It has to be disposed of in terms of compromise. It has to be done with a view to have industrial peace. Hence I pass the following order :

ORDER

1. The management has to pay an amount of Rs. 375 vis-a-vis the amount liable to be paid to the concerned employee, being the amount of Special Allowance of Machine Operator at Pune (Main) Branch.
2. No order as to costs.

— S. B. PANSE, Presiding Officer

Dated : 6th December, 1994.

नई दिल्ली, 20 दिसम्बर, 94

का. घा. 84.—औद्योगिक विवाद प्रविविधन, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धकों के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण 1, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-92 को प्राप्त हुआ था।

[संख्या एन. -12011/36/91-घाई. घार. बी.-2]

बी. के. शर्मा, हेड ऑफ़ अधिकारी

New Delhi, the 20th December, 1994

S.O. 84.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, 1, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 19-12-1994.

[No. L-12011/36/91-IR (B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

PRESENT :

Shri P. K. Sinha, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 1 of 1992

PARTIES :

Employers in relation to the management of Punjab National Bank, Ranchi

AND

Their Workmen.

APPEARANCES :

On behalf of the workmen—Shri C. L. Bhardwaj Chairman, AIPNBEA.

On behalf of the employers—Shri N. Biruli, Asstt. Manager (P).

STATE : Bihar

INDUSTRY : Banking

Dhanbad, the 24th November, 1994

AWARD

The Government of India, in the Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12011/36/91-IR (B-II) dated nil.

SCHEDULE

"Whether the claim of All India PNB Employees' Association that Shri S. N. Tripathi is entitled for full wages during the period he was placed under suspension by the management of PNB is justified? If so, from what date he became/entitled for full wages as subsistence allowance? What other relief if any, is the workman entitled to?"

2. As the reference itself suggests, the issue lies in a very narrow compass. Before delving into the matter certain admitted facts may be placed below :—

- (a) The concerned workman Shri S. N. Tripathy had joined the services of the Bank with effect from 21-11-1958 at the Bank's Kharagpur branch in the State of West Bengal and was subsequently transferred to its Daltonganj (Bihar) branch and was thereafter posted at Bank's pay office at Chainpur, Distt. Palamau.
- (b) The concerned workman was placed under suspension on the allegation of his involvement in certain fraudulent loan account for which a Police case under various sections of the I.P.C. was instituted. The workman, accordingly, was suspended with effect from 8-1-75.
- (c) The learned Chief Judicial Magistrate Daltonganj, by judgement dated 14-2-1984 found the concerned workman guilty of the offence under section 420 I.P.C. sentencing him for rigorous imprisonment for two years.
- (d) On the basis of the aforesaid conviction, the workman was dismissed from service with effect from 14-2-84 (the date of the judgement) vide management's letter dated 2-3-84 (Ext. W-1).

(c) The concerned workman preferred an appeal against the order and judgement of conviction which was heard by the learned 4th Addl. District and Sessions Judge at Daltonganj in the Criminal Appeal No. 16/84/6 of 1986 which learned Court vide its judgement dated 6-5-87 had been pleased to allow setting aside the order of conviction passed earlier by the learned Chief Judicial Magistrate, Daltonganj. (Ext. W-2).

(f) The workman through his application dated 12-5-87 sent a copy of the judgement in appeal praying for his reinstatement, to the Regional Manager of the Bank at Ranchi.

(g) The Regional Manager vide his order, contained in his letter dated 4-3-89 (Ext. W-4=Ext. M-1), noted the fact of his acquittal and reversed the order of dismissal passed through their office letter dated 2-3-84, but the concerned workman was ordered to continue to be under suspension pending the chargesheet and departmental enquiry for the alleged acts of embezzlements and frauds committed by him while working at the Chainpur P.O. This letter also ordered as follows :—

“You will be entitled to subsistence allowance for the period intervening the date of dismissal and the date of this order and you will continue to draw the subsistence allowance in terms of Bipartite settlements pending completion of departmental enquiry against you.”

3. A chargesheet was issued against the concerned workman dated 14-12-91 (Ext. M-4). This was received by the concerned workman on 16-12-91 vide the receipt in Ext. M-5.

4. In course of the argument, the management's representative admitted that till now final decision has not been taken by the management with regard to the allegation of misconduct though, he claimed, evidentiary aspect of the domestic enquiry had been completed.

5. In this regard it is the claim of the management, as also contained in page 4 of its Written Statement, that in view of the bipartite settlements under clause 19.3 (a), it is the prerogative of the management to proceed against the employee even if he is acquitted by the Court and it is open to the management not to continue him in service if it so decides after the enquiry. The only limitation on the management is that the services of such an employee can be terminated only after giving him three months pay and allowances. It has also been claimed that the period of suspension, in such cases, from the date of conviction shall be treated as continued only in the event the management decides to terminate the services of the employee by giving him three months pay. But before such decision is taken the workman is not entitled to full salary for the period of suspension from the date of conviction. It has been admitted that the management has yet to decide his case finally and pending such decision the workman is being paid subsistence allowance as per rules.

6. The management's representative in course of his argument before me has stressed that in case the management decides to dismiss the workman from service, the workman will be entitled only to three months pay and allowances.

7. To prove their contention both sides have quoted from the Award of All India Industrial Tribunal (Bank Disputes), popularly known as Sastry Award, as well Award of National Industrial Tribunal (Bank disputes) popularly known as Desai Award. They have also quoted the Bipartite settlements between the management represented by the Indian Banks' Association and their workmen represented by their unions.

8. I will first reproduce the portions of the Awards and settlements.

9. Para 521 of Sastry Award reproduces as follows :—

“521.—A person against whom disciplinary action is proposed or likely to be taken should in the first instance, be informed of the particulars of the charge against him; he should have a proper opportunity to give his explanation as to such particulars. Final orders should be passed after due consideration of all the relevant facts and circumstances. With this object in view we give the following directions :—

(1) By the expression “offence” shall be meant any offence involving moral turpitude for which an employee is liable to conviction and sentence under any provision of law.

(2) (a) When in the opinion of the management an employee has committed an offence, unless he be otherwise prosecuted, the bank may take steps to prosecute him or get him prosecuted; and in such a case he may also be suspended.

(b) If he be convicted he may be dismissed with effect from the date of his conviction or be given any lesser form of punishment as mentioned in sub-paragraph (5) below.

(c) If he be acquitted, it shall be open to the management to proceed against him under the provisions set out below in sub-paragraph (9) and (10) infra relating to discharges. However, in the event of the management deciding after enquiry not to continue him in service, he shall be liable only for termination of service with three months' pay and allowances in lieu of notice. And he shall be deemed to have been on duty during the period of suspension if any, and shall be entitled to the full pay and allowances minus such subsistence allowance as he has drawn and to all other privileges for the period of suspension; provided that that if he be acquitted by being given the benefit of doubt he may be paid such portion of such pay and allowances as the management may deem proper, and the period of his absence shall not be treated as a period spent on duty unless the management so direct.

(d) If he prefers an appeal or revision application against his conviction and is acquitted, in case he had already been dealt with as above, and he applies to the management for reconsideration of his case, the management shall review his case and may either reinstate him or proceed against him under the provisions set out below in sub-paragraphs 9 and 10 infra relating to discharge, and the provisions set out above as to pay, allowances and the period of suspension will apply, the period upto date for which full pay and allowances have not been drawn being treated as one of suspension. In the event of the management, deciding, after enquiry, not to continue him in service, the employee shall be liable only for termination with three months' pay and allowances in lieu of notice as directed above.”

Para 557 of Sastry Award is reproduced as follows :—

“557. Having considered the matter in all its aspects, we think that suspensions allowance should be granted on the following scale :—

(1) For the first three months one-third of the pay and allowances which the workman would have got but for the suspension ;

(2) thereafter, where the enquiry is departmental by the bank, one-half of the pay and allowances for the succeeding months. Where the enquiry is by an outside agency, one-third of the pay and

allowances for the next three months and thereafter one-half for the succeeding months until the enquiry is over."

10. In para 18.20 of the Desai Award, the paras 520 and 521 of the Sastry Award have been quoted. Desai Award made only some minor changes which are not concerned with the present reference case and gave the following award in para 18.28 :—

"18.28—1 accordingly make an award in connection with item 16 prescribing the same procedure as the one laid down by the Sastry Tribunal, "for termination of employment and taking other disciplinary action" "in paragraphs 520 and 521 and in paragraphs 518 and 519 to the extent quoted above subject to the modifications indicated above as regards banks governed by this award."

11. On behalf of both the sides, following provision of Bipartite settlements between certain Banking Companies including the Punjab National Bank, represented by the Indian Banks Association and their workmen represented by All India Bank Employees Association and All India Bank Employees Federation reached in the year 1966 has been placed before me I which is almost the same as provided in the Sastry Award—

19.1—In supersessions of paragraphs 18.20, 18.24 and 18.28 of the Desai Award, a person against whom disciplinary action is proposed or likely to be taken shall in the first instance, be informed of the particulars of the Charge against him and he shall have a proper opportunity to give his explanation as to such particulars. Final orders shall be passed after due consideration of all the relevant facts and circumstances. With this object in view, the following shall apply :

.....
.....
.....

19.3(c) If he be acquitted, it shall be open to the management to proceed against him under the provisions set out below in Clauses 19.11 and 19.12 infra relating to discharges. However, in the event of the management deciding after enquiry not to continue him in service, he shall be liable only for termination of service with three month's pay and allowances in lieu of notice. And he shall be deemed to have been on duty during the period of suspension if any and shall be entitled to the full pay and allowances minus such subsistence allowance as he has drawn and to all other privileges to the period of suspension provided that if he be acquitted by being given the benefit of doubt he may be paid such portion of such pay and allowances as the management may deem proper, and the period of his absence shall not be treated as a period spent on duty unless the management so direct.

(d) If he prefers an appeal or revision application against his conviction and is acquitted, in case he had already been dealt with as above and he applies to the management for reconsideration of his case, the management shall review his case and may either reinstate him or proceed against him under the provisions set below in Clauses 19.11 and 19.12 infra relating to discharge, and the provision set out above as to pay, allowances and the period of suspension will apply, the period upto date for which full pay and allowances have not been drawn being treated as one of suspension. In the event of the management deciding after enquiry not to continue him in service, the employee shall be liable only for termination with three months' pay and allowances in lieu of notice, as directed above."

12. Relating to the subsistence allowances, on behalf of the sponsoring union the following provisions of the Memorandum of Settlement avoided between the management of

Certain Banks, including the Punjab National Bank and their workmen in the Bipartite Settlement of the year 1983 (8-9-1983) were placed. I reproduce the relevant portion below :—

Clause 5.—Subsistence Allowance

In partial modification of paragraph 557 of the Sastry Award and paragraph 17.14 of the Desai Award, the following provisions shall apply in regard to payment of subsistence allowance to workmen under suspension in respect of the banks listed in Schedule 1.

(a) Where the investigation is not entrusted to or taken up by an outside agency (i.e. Policy/CBI), subsistence allowance will be payable at the following rates :

(i) For the first 3 months 1/3 of the pay and allowances which the workman would have got but for the suspension.

(ii) Thereafter 1/2 of the pay and allowances.

(iii) After one year, full pay and allowances if the enquiry is not delayed for reasons attributable to the concerned workman or any of his representatives. Where the investigation is done by an outside agency and the said agency has come to the conclusion not to prosecute the employee, full pay and allowances will be payable after 6 months from the date of receipt of report of such agency, or one year after suspension, whichever is later and in the event the enquiry is not delayed for reasons attributable to the workman or any of his representative."

13. Now in order to appreciate this settlement, and the decision in paragraph 557 of the Sastry Award, it is relevant to reproduce para 17.14 and para 17.15 of the Desai Award.

"Para 17.14.—1 make an award in connection with this item in terms similar to those contained in paragraph 557 of the Sastry Award quoted above.

Para 17.15—The State Bank of India and other banks will be free to give such salary and allowances as they deem fit to a workman during the period of suspension so long as the amount of such salary and allowances is at a rate not less than what is provided under this award and I direct accordingly."

14. Therefore, it will appear that under para 521 of the Sastry Award, if the workman against whom the case was instituted, was acquitted, the management could proceed against him in a departmental enquiry and could, after enquiry, decide not to continue him in service which case that workman will be liable for termination of service with three months' pay and allowances in lieu of notice. But at the same time he shall be deemed to have been on the duty during the period of suspension and shall be entitled to full pay and allowances minus such subsistence allowance as he has already drawn during the period of suspension.

15. As discussed earlier, the Desai Award has adopted this portion of the Sastry Award. The Bipartite settlement of the year 1966 has not disturbed the essence of this provisions which relates to departmental enquiry, after acquittal at the hands of the Court.

16. But this provision in the Sastry Award, Desai Award and the 1966 Bipartite settlement should not be confused with the provision relating to the payment of subsistence allowance because in both the Awards payment of subsistence allowance has been dealt with separately. The provision relating to the subsistence allowance must, therefore, be deemed to be independent of the provisions contained in para 521 of the Sastry Award or para 18.28 of the Desai

Award. These provisions relate to the procedure of conducting departmental enquiry even after the delinquent workman has been acquitted by the Court of Criminal charge. This is to say that the provision makes it clear that an order of acquittal by the Criminal Court would not finally seal the matter and that the management could still proceed against the workman on the charge of misconduct in a departmental enquiry. The payment to be made to the concerned workman once the management decides to dismiss him from service has been determined in these parts of the Awards and in the similarly worded Bipartite settlement of the year 1966.

17. But as already seen para 557 of the Sastry Award provides that in case of suspension the workman should be given, for the first three months, 1/3 of the pay and allowances and, therefore, 1/2 of the pay and allowances for the succeeding months.

18. Desai Award in para 17.14 has adopted the Award made in para 557 of the Sastry Award, but the Desai Award further stipulate in para 17.15 that the Banks would be free to give such salary and allowance as they deem fit to a workman during the period of suspension so long as the amount of such salary and allowances is at the rate not less than what has been provided under the Desai Award.

19. This portion of the Award gives a right to the Banks to exceed the amount of Subsistence allowance than provided in the Desai Award or, for that matter, in Sastry Award.

20. Therefore, the Bipartite settlements made in the year 1983, in clause 5, which provides for subsistence allowance is binding upon the parties to that settlement. By this settlement the parties agreed to modify partially para 557 of the Sastry Award and para 17.14 of the Desai Award providing therein that in as in the present one the subsistence allowance would be payable for the first three months @ 1/3 of the pay and allowances which the workman would have got but for the suspension. Thereafter the workman would get 1/2 of the pay and allowances and after one year the workman would be entitled to full pay and allowances if the enquiry was not delayed for the reasons attributable to the concerned workman or any of his representative.

21. There is nothing on the record to show that the concerned workman was in any way responsible for the delay in the completion of the domestic enquiry. It will appear that the workman had represented to the management on 12-5-87 after the judgement in appeal was delivered on 6-5-87. But it was through letter dated 4-3-89, almost after expiry of two years, that the Regional Manager through his letter of that day reversed the dismissal order but placed the concerned workman again on suspension, directing him to face the departmental enquiry. After this letter dated 4-3-89 the chargesheet was issued on 14-12-91, about after two years and nine months. In course of argument I was told that until now no final decision has been taken by the management on the basis of the departmental enquiry. Therefore, obviously, it is the management which is responsible for the slow and tandy pace at which steps have been taken for conducting departmental enquiry against the concerned workman.

22. In essence the workman has remained suspended since 8-1-1975 and continues to be so even now.

23. Clause 5 of the Bipartite settlement, that took place on 8-9-83 relates to the subsistence allowance at the enhanced rate than granted by the aforesaid two Award, shall be applicable only from a date when this Bipartite settlement came into effect. Because there is nothing to show that the settlement about subsistence allowance was to be given not retrospective effect. Prior to that the workman would be guided, so far the subsistence allowance is concerned, under the Award made in para 557 of the Sastry Award as endorsed by the Desai Award in para 17.14.

24. It may be argued with regard to clause 5 of the Memorandum of settlement dated 8-9-83, though it has not been argued, that this clause shall be applicable only in the case where investigation has not been entrusted to or taken up by an outside agency i.e., Police or C.B.I. and since in this case the investigation was taken up by the Police, this provision shall not apply. It may, therefore, be argued that in this case the Sastry Award in para 557 and Desai

Award in para 17.14 shall apply. On this premises it may be argued that whatever may be the period of suspension, after three months of suspension the workman would be entitled only to 1/2 of the pay and allowance until the enquiry was over. But in my opinion to argue this would not be compatible to the agreement in clause 5 of the Memorandum of settlement. As I read this provision, it will not apply in a case in which investigation has been taken up by Police or C.B.I. on the effect of that investigation continues. This is reasonable also because investigations and trials may consume good time for which the management may not be responsible. Therefore, in that case the management may not pay full pay and allowances after one year because it was not responsible for the delay. But the matter relating to the investigation by the Police in this case ended in its effect with the judgement of the Learned Additional District and Sessions Judge, Daltonganj dated 6-5-87. Thereafter under the provisions of Sastry Award and Desai Award the management could either have reinstated the workman or could have proceeded against him in the departmental enquiry. These were the only two courses open to the management. Having not reinstated the workman allowing him to do his duties, the only other course was to proceed against the workman in a departmental enquiry which in this case was done by the letter of the Regional Manager dated 4-3-89. Therefore, may be that this settlement in clause 5 will not be applicable till the judgement in appeal, but after that judgement the workman was placed on the same footing which was akin to the initial stage where the management was to decide as to whether or not to proceed against the workman in a departmental enquiry. It was in consideration of such eventuality that the settlement in clause 5 must have been arrived at so as to provide relief to the workman in case final decision in his matter was delayed but not for its fault. Therefore, when the workman was acquitted and on the date he intimated the management of the decision of the Court and if even thereafter he continued under suspension, this provision in clause 5 must apply. I say that this provision shall apply after the judgement of acquittal was brought to the notice of the management because prior to that the management may not be aware of such judgement. Its not being the prosecuting agency in a Criminal case there may not be any occasion for it to take a decision as to whether, to reinstate the workman to his duties or to proceed against him in a departmental enquiry, unless it is informed of the decision.

25. In the Written statement of the workmen it has been claimed in para 7 that after his acquittal, the concerned workman vide his representation dated 12-5-87 approached the Regional Manager for reinstating him in Bank's service. This para has been replied to by the management in para 6 of its written statement stating that instead of 12-5-87, the workman had approached the management's office through his representation dated 9-5-87 requesting for reinstatement in Bank's services. Be that as it may, since the workman himself has claimed a later date for his such approach with representation, I will take into consideration that date for answering this reference.

26. Admittedly, the management through its letter dated 4-3-89 has reversed its dismissal order in view of the acquittal of the workman again placing him under suspension, directing him to face the departmental enquiry and allowing him subsistence allowance from the date of dismissal to the date of reinstatement. This means that for that interim period also he was treated to be under suspension. This letter dated 4-3-89 had taken effect retrospectively, so far reversion of the order of dismissal was concerned as this order took effect from that very day with effect from which he was dismissed, i.e. 14-2-84.

27. I say that the settlement in Clause 5 aforesaid shall be effective in a case like the present on because it will be highly inappropriate and unjustified to apply this provision only in those cases in which there had been no investigation by the Police or C.B.I. But not or apply is one after the concerned workman has been declared not guilty of the offence by a Court Law and has been acquitted. In my opinion, from the construction of Clause 5, it may be inferred that this provision shall be applicable in those cases also in which investigation has been taken up by the Police or the C.B.I., but from a date which is

after the final decision of the Court of Law finally acquitting the workman. As already stated, after acquittal the situation would be same as in a case in which no such investigation has been taken up, but the workman has been put under suspension. At that stage also what the management had to decide was whether or not to go for a domestic enquiry and, after the order of acquittal also this is the same question which the management is called upon to decide. Now the only question to be decided is as to from which date the period of one year should be counted with effect of which, in terms of settlement in Clause 5 aforesaid, the workman shall be entitled to the payment of full wages and allowance if the suspension continued.

28. Under such circumstances, it may be taken that it was on 12-5-87 when the management was called upon to decide as to whether the workman should be reinstated to his services or should be made to face departmental enquiry while remaining under suspension. It is immaterial, so far implementation of provision in Clause 5 of the Settlement aforesaid is concerned, as to on which date the departmental enquiry was ordered. But this provision will take effect in case the workman was placed under suspension and a departmental enquiry was proposed.

29. Therefore, under the peculiar circumstances of this case I will hold that the workman would be entitled to full pay and allowances one year after 12-5-87, i.e. with effect from 12-5-1988.

30. Therefore, the reference is answered with the following Award :—

Sri S. N. Tripathi, the concerned workman is entitled to the full wages and allowances with effect from 12-5-1988, during the period of his suspension, minus the amount of subsistence allowance which he might have received in the meantime.

In the circumstances of the case there would be no order as to costs.

P. K. SINHA, Presiding Officer

नई दिल्ली, 20 दिसम्बर, 1994

का. भा. 85:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. इण्डियन आयर्न एण्ड स्टील कम्पनी लिमि. की चाननाला कोलियरी के प्रबन्धन के संबंध निधियों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-12-94 को प्राप्त हुआ था।

[संख्या एल—20012/100/88—डी-4 (ए) / भाई भार (कोल-1)]

ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 20th December, 1994

S.O. 85.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. I), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chasnalla Colliery of M/s. IISCO Ltd. and their workmen, which was received by the Central Government on 19-12-1994.

[No. L-20012/100/88 D.IV (A)/IR (Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947

Reference No. 154 of 1990

PARTIES :

Employers in relation to the management of Chasnalla Colliery of M/s. IISCO Ltd.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers—Shri R. S. Murthy, Advocate.

For the Workmen—Shri S. Bose, Secretary, R.C.M.S.

STATE : Bihar

INDUSTRY : Coal

Dated, the 25th November, 1994

AWARD

By Order No. L-20012/100/88-D.IV (A)/I.R. (Coal-I) dated 9-7-1990, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the management of M/s. IISCO Ltd. Chasnalla Colliery P.O. Chasnalla, Dist. Dhanbad was justified in terminating the services of Shri Prahlad Singh, Magazine Clerk vide their letter No. 2-B(iv)/2008 dated 8-10-1974 ? If not, to what relief the workman concerned is entitled ?”

2. The case of the sponsoring Union is coming out from the written statement filed by it is that the workman Prahlad Singh, was a permanent workman, posted as Magazine Clerk at Chasnalla Colliery, and was an eye-sore to the management because as President of R.C.M.S., Chasnalla Colliery Project, he was very active and vocal in espousing the grievances of the workmen. It has been stated that on the date of such termination he was a protected workman being the President of the Trade Union aforesaid.

3. Admittedly, the workman was granted leave from 1-7-74 to 20-9-74. The case of the sponsoring Union is that during the period of leave when he had gone to home the workman suffered from sciatic pain as well from stomach ailment and remained under the treatment of Dr. C. P. Thakur at Patna for long. The workman is the meantime sent letters to the management for extension of leave which remained unanswered. Then the workman received management's letter dated 8-10-74 communicating the termination of his service under order 10(1) of the Certified Standing Orders of the Colliery without first issuing him any show-cause letter. Thereafter the workman turned up for resume his duty with certificate of fitness issued by Dr. C. P. Thakur, but he was not allowed to do so. It may, however, be noted that the sponsoring Union in its written statement has not mentioned the date, or even the year when the workman appeared with the fitness certificate of Dr. C. P. Thakur. However, from the Annexure 'G' of Ext. M-2 which is the reply of the management to the Asstt. Labour Commissioner (Central) Dhanbad dated 12-4-1988, it will appear that this certificate of fitness was dated 10-9-1987.

4. The written statement thereafter states as to how the industrial dispute was raised, with the prayer for reinstatement.

ment of the workman in service with all back wages and other benefits.

5. The management in its written statement admitted that Prahlad Singh was granted leave with effect from 1-7-74 to 20-9-74 and was required to resume duty on 21-9-74, which he did not do and continued remaining absent without permission and without sending any intimation. Thereafter the management through registered letter dated 27-9-74 advised him to resume duty. Thereafter his service was terminated by letter dated 8-10-74 since the workman had lost lien on his appointment within the meaning of order 10(f) of the Certified Standing Orders.

6. According to this written statement it was for the first time in October, 1986 that the management received a letter dated 8-10-86 from Shri Gopeshwar, M.P. requesting to allow Shri Prahlad Singh to join duty. Thereafter letters from Dr. C. P. Thakur, another M.P. were also received in this regard. This written statement describes as to how two letters of Dr. C. P. Thakur contradict each other but that point is not very material for deciding this dispute.

7. Further it has been averred that the workman himself wrote a letter dated 22-4-87 and another letter dated 28-4-87 to the management, but without making any reference to his alleged illness. It has been argued in the written statement that under provision of 10(f) of the Certified Standing Orders the loss of lien on the appointment was automatic and it was not at all necessary to issue any letter in this regard to the workman. Another point taken up in this written statement is that the dispute is over-sale, hence the workman cannot be granted any relief.

8. The only point that the management has taken up in course of argument is that by virtue of order 10(c) of the Certified Standing Orders, the loss of lien or appointment was automatic which came into operation immediately when the workman over-stayed the period of leave granted to him without any intimation and without showing justified reason. That being so no relief can be granted to the workman.

9. The point for consideration is as to whether or not this contention of the management is correct that by over-staying the period of granted leave the workman had lost lien on his appointment since he did not return within ten days of expiry of his leave and explained to the satisfaction of the Manager his inability to return on the expiry of leave and, if not, to what relief the workman is entitled.

10. The provision under order 10(f) is re-produced below alongwith order 10(h), which has figured into the argument of the sponsoring Union :

“10(f)—If a workman remains absent beyond the period of leave originally granted subsequently extended, he shall lose lien on his appointment unless he ;

(a) returns within ten days of expiry of his leave and

(b) explains to the satisfaction of the manager his inability to return on the expiry of his leave.

In case, the worker loses his lien on the appointment, he shall be entitled to be kept on the ‘badli list.’”

.....

“10(h)—Notwithstanding anything mentioned above, any workman who over-stays his sanctioned leave or remains absent without reasonable cause will render himself liable for disciplinary action.”

A copy of the aforesaid Standing Orders is Ext. W-1.

11. From the aforesaid provision it is clear that a workman automatically loses lien on his appointment if he remains absent after the period of leave originally granted and or subsequently extended, unless he returns within ten days of expiry of his leave and explains to the satisfaction of the Manager his inability to return on the expiry of his leave. Therefore, in order to save lien on his appointment the workman should not only return within ten days of the expiry of leave but should also satisfy to the manager

about his inability to so return. Thus the workman loses his lien automatically if he does not return on expiry of leave, which loses of lien becomes irrevocable if he does not return within ten days and satisfies the manager, as aforesaid.

12. What the sponsoring Union has brought on record as evidence is copy of a letter dated 21-9-74 (Ext. W-3) sent by the workman to the Senior Manager of Chasnala Colliery informing him that he was suffering from disease and that he would produce medical certificate when he would come to join his duty. But from Ext. W-1 it will appear that a letter was sent to the Senior Manager under certificate of posting on 28-9-74. The management has denied receipt of any such letter in its written statement. Still, in this letter no prayer has been made for extension of leave nor any period has been shown by which the workman might have been told by his doctor that he would be able to join his duty. Moreover, this does not even mention the disease from which the workman was suffering or the name of the doctor whose treatment he was under going.

13. The learned Counsel for the management, Shri R. S. Murthy, has pointed out the contention of the management in its written statement that the colliery has well equipped hospital for the treatment of the treatment of its workmen, arguing that if the workman was actually ill, he could have got himself admitted at the colliery hospital free of charge.

14. However, there is nothing on the record to show that thereafter upto October, 1986 any move was made on behalf of the workman to intimate the management of his whereabouts. The workman has admitted in his written statement the receipt of and has also filed as Ext. W4 the letter of the management dated 8-10-74 intimating him that his lien on appointment was terminated with effect from 21-9-74 under clause 10(f) of the Certified Standing Orders. There is nothing on the record to show that on receipt of this letter in the year 1984 anything was done by the workman or on his behalf, till October, 1986 in order to protect his service. The workman himself appears to have slept over the loss for all these years.

15. Shri S. Bose, arguing on behalf of the sponsoring Union has submitted that the management had not actually taken action under order 10(f) of the Certified Standing Orders because in that case the management was bound to keep the workman on ‘badli list’ in case the workman had lost his lien on the appointment, which the management evidently had not done. In reply thereto Shri Murthy submitted that the workman was definitely entitled to be kept on ‘badli list’ which meant, in term of order 3(d) of the Certified Standing Orders that he could have been appointed in the post of another workman who was temporarily absent. He argued that had the workman been able to do badli duty, and had completed a continuous period of service of one year in that badli post he could even have been deemed to be a permanent workman under the aforesaid provision. But Sri Murthy further argued, that since the workman was not at all available to do any sort of duty, there was no question of putting him on ‘badli list’ and to provide him badli or substitute appointment even temporarily, in his absence.

16. Since there is nothing on the record to show that after 21-7-74 the workman even made himself available to the management, particularly after receipt of the management's letter dated 8-10-74, the sponsoring Union cannot be heard to argue that since the workman was not placed on ‘badli list’ and offered such appointment it should be deemed that the action taken by the management was not one under order 10(f) of the Certified Standing Orders.

17. Shri Bose pointed out the provision under order 10(h) of the Certified Standing Orders which provided that notwithstanding anything mentioned above any workman who over-stayed his sanctioned leave or remained absent without reasonable cause would render himself liable for disciplinary action. In this regard order 18 of the Certified Standing Orders, dealing with the disciplinary action for misconduct, has been pointed out to me under which a workman could

even be dismissed from service for continuous absence without permission and without satisfactory cause for more than ten days [Order 18(n) of the Certified Standing Orders], Order 18(ii) further provides that no punishment should be made unless the workman concerned was informed in writing of the misconduct and was given an opportunity to explain the allegation made against him. This also provides for institution of departmental enquiry.

18. To meet the aforesaid points raised on behalf of the sponsoring Union, the management has placed before me a decision reported in (1950-67) 2 SCLJ 1037 (Between National Engineering Industries Ltd. and Hanuman)=1967 (15) F.L.R. 259. In that case the respondent, Hanuman had taken leave from April 3 to 9, 1965 and was to join duty on 10-4-1965 which he did not do. His case was that he had sent another certificate from the dispensary on April 10, 1965 for further leave and was given fitness certificate on 19-4-65 and appeared to report for duty on April 20, 1965 but was not allowed to join on the ground that his service stood terminated. Thereafter he made an application under Section 33-A of the Industrial Disputes Act, No. 14 of 1947. The learned Labour Court gave a decision in favour of the workmen against which the aforesaid appeal arose for consideration of Hon'ble Supreme Court.

19. On fact, their Lordships held that the findings of the lower Court the workman Hanuman continued to be ill from April 10 to 19 was perverse.

20. Relating to the point of law it was observed by their Lordships that it appeared from Standing Order (i) in Section 'C' that a workman who did not report for duty within eight days of the expiry of his leave, was to lose his lien on the appointment. Their Lordships observed that when the Standing Orders provided that the workman would lose his lien on his appointment in case he did not join his duty within eight days of the expiry of his leave it meant that the services were automatically terminated on the happening of that contingency. It was held that the workman who lost his lien on his appointment could not continue in his service thereafter. On the happening of such eventuality it only meant that his service stood automatically terminated. Their Lordships in this connection had referred to another decision reported in 1951(1) I.L.J. 370 (Between Chandra Rai Uma Vs. Elephant Oil Mills Ltd.) wherein the Standing Orders provided that the workman would lose lien on his appointment unless he returned within eight days of the expiry of the leave and gave explanation to the satisfaction of the authority granting leave, of his inability to return before the expiry of leave. In that case the Labour Appellate Tribunal had held that where a Standing Order provided for automatic termination of service, section 23 of the Industrial Disputes (Appellate Tribunal) Act, 1950, corresponding to Section 33 of the Industrial Disputes Act, would not apply.

21. Their Lordships of the Hon'ble Supreme Court have also been pleased to deal with another argument made on behalf of the Respondent—workman that under Appendix 'J' of the Standing Orders one of the major misdeemeanors was "absence without permission exceeding ten consecutive days". Their Lordship held, with regard to this argument, that was an alternative provision and the Appellant (management) was free to resort to any of the provisions, unless it was shown that resort to one particular provision was due to malafide.

22. Therefore, provision under order 18 of the Certified Standing Orders must be deemed to be just and alternative provision and the management to be free to choose to act under either of the aforesaid two provisions. There is nothing on the record to show that the management resorted to provision under order 10(f) due to any malafide intention.

23. Ext. W-3 will not help the workman because order 10(f) stipulates that the workman would so lose lien on his appointment unless he returns within ten days of the expiry of his leave and satisfies his manager of his inability. Even if he had sent the letter in Ext. W-3 of which there is no proof that it was received by the management since the certificate of posting (Ext. W-2) only certifies the posting of the letter, not its receipt, that would not help

he workman because sending of a letter will not amount to his return within ten days of the expiry of leave. Moreover, he did not do anything for about 12 years after receipt of the management's letter dated 8-10-1974 informing him that his lien on appointment stood terminated with effect from 21-9-74.

24. In such circumstances it must be held that the concerned workman lost his lien on his appointment when he did not return within ten days of the expiry of his leave and satisfied the manager of his inability to return of his expiry of leave. Such termination being automatic it took effect on the expiry of the stipulated period automatically. Thereafter, intimating him of this fact by the management through Ext. W-4 was only a formality. The service of the workman stood terminated even without any such intimation.

25. There is nothing on the record to show that after the year 1974, when the workman was informed of the loss of lien on his appointment through Ext. W-4, anything was done in this regard by or on behalf of the workman till October, 1986. From Ext. M-2 it will appear that it was in December, 1987 that the management had received letter from the Asstt. Labour Commissioner (Central), Dhanbad about raising of this dispute to which the management replied to by its letter dated 12-4-88. Thus the dispute appears to have been raised in the year 1987, about 13 years after the intimation was sent to the workman through Ext. W-4. This would make the claim to be too stale to grant any relief to the workman at this stage. Even without it, I have already held that the workman had lost his lien on his appointment on his inability to return on the expiry of the leave. That loss of lien being automatic, the workman thereafter did not remain in service and there was nothing illegal about that. The automatic termination was in accordance with the provisions contained in the Standing Orders which was binding both on the management, as well on the workman.

26. In view of the aforesaid I do not think that the workman is entitled to any relief.

27. Following, therefore, is the award—

The management of M/s. HISCO Ltd., Chasnala Colliery was justified in intimating termination of the service of Prahlad Singh vide their letter dated 8-10-74. The workman is not entitled to any relief.

Under the circumstances of the case there will be no order as to the cost.

P. K. SINHA, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 1994

का. प्रा. 86.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलेकोम फैक्टरी बीओनार के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-94 को प्राप्त हुआ था।

[संख्या एन-40011/13/85-डी. 2 (बी)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 21st December, 1994

S.O. 86.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Telecom Factory, Deonar and their workmen, which was received by the Central Government on 21st December, 1994.

[No. L-40011/13/85-D.II(B)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/36 of 1993

Employers in relation to the management of Telecom
Factory, Deonar, Bombay

AND

Their workmen.

APPEARANCES:

For the Employers—Mr. S. B. Kadam, Representative.

For the Workmen—Mr. R. M. Oke, Representative.

Bombay, dated the 30th November, 1994

AWARD

The Government of India, Ministry of Labour, New Delhi by its letter No. L-30011/13/85-D.II(B) dated 3rd May, 1993 referred to the following industrial dispute to this Tribunal for adjudication, under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, of 1947. It is in the following terms:

"Whether the discriminatory treatment given to S/Shri C. G. Deshmukh, M. S. Deshmukh, L. C. Fernandes, V. G. Gavande, Exchange Inspector Gr. II by the General Manager, Telecom Factory, Deonar, Bombay while giving effect to implementation of the 3rd Pay Commission recommendations effective from 1st January, 1973 is justified? If not, what relief the four workmen are entitled to?"

2. The Telecom workmen's Union for and on behalf of the workman filed statement of claim. The Bombay Telecom Workshop was taken over by the Government of India in the year 1942. Now it is known as the Telecom factory. Before the taking over of the workshop there were twenty five persons employed by the employer in the capacity as Exchange Inspector Grade-II. It was so till 1952.

3. In 1954, the Central Trade Test Board was appointed by the Ministry of Communications to carry out classification on the basis of job evaluation of the Industrial Workers in the posts and telegraphs workshops in the country. The Board did its job, however as far as the class of exchange Inspectors were concerned the said Board would not allow any grade to them. They reported that these class of workmen were doing highly skilled work and therefore it was recommended by them that for these workmen appropriate designation would be Inspector and or Chief Inspector. The said Board could not classify them in the then existing classes of workmen as they were doing work of highly skilled nature.

4. The Union contended that the employer had not taken any action regarding the said recommendation. In the mean time the third Pay Commission were announced and the Employer had implemented the same with effect from 1st January, 1973. In the said recommendations no scale was prescribed for the category of Exchange Inspector Gr. II. The employer therefore made several representations to the employer to prescribe suitable scale for the category of employees. Ultimately in the year 1977, the employer announced an option to this class of workmen to return the then existing scale of pay of Rs. 110/240 or to accept any one of the following three scales of pay:

- (i) Rs. 110—180 Skilled,
- (ii) Rs. 150—205 Highly Skilled 'B',
- (iii) Rs. 150—240 Highly Skilled 'A'.

5. The Exchange Inspectors accepted the above option of Rs. 110/240 with effect from 29th January, 1972. There were

in all eleven Exchange Inspector GR-II at that time. All of them had accepted the option as above. The Employer granted the said scale of seven persons but the option exercised by Shri G. S. Deshmukh, Shri M. S. Deshmukh, Shri N. C. Fernandes and Shri V. G. Gavande was rejected by the employer.

6. These 4 employees then filed an application under section 33C(2) of the Industrial Disputes Act before the Labour Court which came to be rejected for want of jurisdiction. The Labour Court observed that the proper forum for redressal of their grievance is the Industrial Tribunal.

7. On or about 24th June, 1981 a demand was served on the employer by these employees. They claimed a pay scale of Rs. 380/560 with effect from 1st January, 1973. The employee submits that during the years the scale of Rs. 150/240 was revised as Rs. 380/560 by merit dearness allowance and other benefits. The said demand was not entertained, without any proper explanation. The Ministry of Labour while rejecting the reference stated that the post of Exchange Inspectors GR-II were re-classified as examiner Grade-I and placed in the pay scale of Rs. 110/180 on the basis of the recommendation of the CTTB after they had undergone a trade test in 1961. After the recommendations of the third pay commission the scale was revised to Rs. 260/400 which was offered to the four workmen. However, the workmen demanded the scale of Rs. 150/240. Therefore the Central Government is of the opinion that there is no prima-facie justification for the claim.

8. The Union intended that it is for the Industrial Tribunal to decide whether the said four workmen who were admittedly classified as Exchange Inspectors GR-II were in fact re-classified as examiner Grade-I as far back as in 1961. It is averred that between 1961 and 1977 there was sufficient time for the employer to inform the employee that they had been re-classified as Examiner GR-I in 1961 which was a post lower to that of Exchange Inspector GR-II. It is pleaded that the Union had no knowledge appointment of the Central Trade Test Board in 1961. It is submitted that as the classification was in the year 1963 the Central Government should not have given an option to these four workmen an offer to give an option to choose the pay scales as it was in 1977. It is pleaded that the action of the employer to that effect is mala fide and had in law.

9. The Union proved that as the Exchange Inspector GR-II was a substantive post held by the workmen and they cannot be demoted to the post of Examiner GR-II the benefit of the third pay commission was given to all the other workmen in the same class discriminating these four workmen and therefore it is submitted that these four workmen be granted the pay scale of Rs. 380/560 in the Exchange Inspector GR II with other reliefs.

10. The claim was opposed, by the written statement at Exh. 4. It is submitted that there is no justification in the claim. These workers were asked to offer their option in respect of the pay as per the third pay commission which they did not know. The option was to be taken within the stipulated time but they did not do so. They gave the options of the different classes which they should not. Under such circumstance, their claim is baseless. It is averred that the dispute which is tried to be raised by the statement of claim is out of the purview of the reference, and it should not be dealt with by the Tribunal. It is averred that under such circumstance the claim is liable to be rejected.

11. The issue that falls for my consideration and my findings thereon are as follows:

ISSUES

FINDINGS

1. Whether it is proved that discriminatory treatment is given to Shri C. G. Deshmukh, Shri M. S. Deshmukh, Shri L. C. Fernandes and Shri V. G. Gavande Exchange Inspector GR II by the General Manager, Telecom factory, Deonar, Bombay while giving effect to implementation of the 3rd Pay Commission recommendation effective from 1st January, 1973? In the negative
2. If yes, what relief these four workers are entitled to? Does not survive.

REASONS

12. Shri V. G. Govande (Exh. 7) lead evidence in support of the claim. The management had not examined anybody on their behalf.

13. After going through the wordings of the reference, I have no doubt in my mind that so far as the classification of the workmen in the Telecom factory is concerned, it cannot be re-opened before this Tribunal by the said reference. But the Central Trade Test Board was the expert specialised Board appointed by the Government for the classification of the employees of Bombay Telecom workshop in different categories and tried the employees after taking a trade test of each workman it gave a report on 14th December, 1955 and observed that the workmen in the Inspection section would not be classified for the want of designation i.e. proper designation vide para 2(C) of the CTTB report. It is therefore the four workmen along with the other who were attached to the Inspection section continued to remain unclassified since the year of 1955.

14. The Central Trade Test Board classified all the remaining un-classified workmen including the present workmen of the inspection section. The report is dated 24th February, 1959 (Exh. 8) management list. The commission recommended to designate these workers along with the others as Examiner GR. I and fix the scale of pay of Rs. 60-3/2-75-EB-3-105. The recommendations were accepted and these workmen were designated as examiner GR-I. The orders to that effect were issued to them on 7th September, 1961 (Exh. C) is the classification and allocation of designations which came to an end in the year 1961. The classification of the employees after subsequent revision of pay scale had been passed and nobody objected the same challenging all these workmen at the relevant time. These classifications became basis for fixation of pay of all these workmen with effect from 1st January, 1973, as prescribed by the third pay commission.

15. The Industrial Staff of the Telecom Factory have been classified in the different categories such as Highly Skilled (supervisory), Highly Skilled (non-supervisory) Skilled, semi-skilled and un-skilled etc. The four workmen were classified and they were permitted for a revision of pay scale to Rs. 110/240 as personal pay to them as provided in clause 6 of the Central Trade Test Board dated 14th December, 1955. The appropriate scale for them was Rs. 110/180. The third central pay commission prescribed the scale of Rs. 260/400 for the staff in the skilled category. These workers being of a skilled category their pay was fixed in it. The pay commission has neither prescribed any pay scale for these workers as a personal pay scale of pay nor has laid down any guidelines for fixation of pay for such special cases. Therefore the matter was referred to the Government of India, Ministry of Communication.

16. The Government of India issued orders by letters dated 13th July, 1977 and 31st August, 1977 (Exh. 8) list of management stating that for the employees who were in the personal category or scale of Rs. 110/240 they should give an option to retain their said personal scale or pay or to opt for the scale of pay of the past in which they were included. It is also informed that the option will be effective from 21st January, 1972 and the workmen should exercise their option within three months from the date of issue of the letter and that option once exercised will be final. Pursuant to these orders of the Government circulars (Exh. 3) list of management was issued and the four workmen endorsed on it alongwith the others. The workman did not either have skilled category or in personal scale of pay. On the contrary, they opted for the scale Rs. 150/240 which was prescribed for Highly Skilled A category workers and not for skilled category to which they belong. Shri Govande admitted that the option which he gave was not the same which was asked for.

17. After getting the wrong options from these workers, they were immediately informed regarding the same. They

were also informed that they should opt for the pay scale of Rs. 150/205 as on 29th January, 1972. But these workmen did not exercise these options also. Under such circumstance it has to be accepted that the department has neither violated any Government orders nor committed any wrong in fixing their pay. In fact, it appears that these workmen were given an opportunity to exercise their option either to retain their personal pay scale or opt for the scale prescribed in skilled category in which they were classified. Under such circumstance I do not find any fault with the management in respect of the fixation of pay of these workers.

18. The workman relied upon The General Manager, South Central Railway v/s. A. V. R. Siddhanti and Others (1974) 4 Supreme Court Cases 335, Ganga Ram and Others v/s. The Union of India and Others 1970(1) Supreme Court case 377. These two cases are quite different. They relate to recruitment, absorption and promotion. In this reference I have nothing to do with it. For all these reasons, I find that no wrong is committed by the management while giving the treatment to these workers at the time of the implementation of the third pay commission recommendation effective from 1st January, 1973. I record my findings on the points accordingly and pass the following order:

ORDER

1. No discriminatory treatment is given to Shri C. G. Deshmukh, Shri M. S. Deshmukh, Shri L. C. Fernandes, and V. G. Gavande, Exchange Inspectors GR-II by the General Manager, Telecom factory, Deonar, Bombay while giving effect to implementation of the 3rd pay commission recommendation effective from 1st January, 1973. The action is justified.

2. No order as to costs.

Dated: 30-11-1994.

S. B. PANSF, Presiding Officer

नई दिल्ली, 21 दिसम्बर, 1994

का.आ. 87.--कर्मचारी भविष्य निधि ओर प्रकोप अधिनियम, 1952 (1952 का 19) का खण्ड 2 के उपखण्ड (के. बी.) द्वारा प्रदान शक्तियों का प्रयोग करने हुए केन्द्र सरकार श्रम मंत्रालय की अधिसूचना सं. का. आ. 533 (ई) दिनांक 29 जून, 1990 में निम्नलिखित संशोधन करती है, अर्थात् उक्त सूचना की अधिसूची में :--

(i) क्रम संख्या 14 के सामने कालम 2 के अन्तर्गत पंक्तिओं के लिए निम्नलिखित को प्रतिस्थापित किया जाए, अर्थात् :--

“श्री जे. एन. मीना,
सहायक भविष्य निधि आयुक्त,
राजस्थान।

(2) क्रम संख्या 15 के सामने कालम 2 के अन्तर्गत पंक्तिओं के लिए निम्नलिखित को प्रतिस्थापित किया जाए, अर्थात् :--

“श्री राजशेखर हेमडे,
क्षेत्रीय भविष्य निधि आयुक्त,
तमिलनाडु।

[सं. आर--11013/2/90--एन. एन. II]

जे. पाठ मुकुल, जवर सचिव

New Delhi, the 21st December, 1994

New Delhi the 21st December, 1994

S.O. 87.—In exercise of the powers conferred by clause (kb) of Section 2 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby makes the following amendment in the Notification of the Government of India, Ministry of Labour S.O. No. 533(E) dated the 29th June, 1990 published in Part II Section 3, sub-section (ii) of the Gazette of India, Extraordinary dated the 3rd July, 1990 namely :—

In the schedule to the said notification,—

- (i) against serial No. 14 for the entry under column (2), the following shall be substituted, namely :—

"Shri J. N. Meena,
Assistant Provident Fund Commissioner,
Rajasthan."

- (ii) against serial No. 15 for the entry under column (2), the following shall be substituted, namely :—

"Shri Rajeshkhra Hedge
Regional Provident Fund Commissioner,
Tamilnadu."

[No. R-11013/2/90-SS.II]

J. P. SHUKLA, Under Secy.

नई दिल्ली, 21 दिसम्बर, 1994

का. प्रा. 88 :—कर्मचारी भविष्य निधि और प्रकीर्ण उप-बन्ध अधिनियम, 1952 (1952 का 19) के खण्ड 2 के उपखण्ड (के बी) द्वारा केन्द्र सरकार विनांक 1 जनवरी, 1995 से अधिनियम के उपबन्धों के अन्तर्गत कार्य क्षेत्र में लाई गई स्थापनाओं के सम्बन्ध में उक्त अनुसूची के कालम (3) में बताए गए क्षेत्रों के लिए कालम (2) में बताए गए अधिकारियों को वसूली अधिकारियों की शक्तियां प्राधिकृत करती है :—

क्रम सं. नाम व अधिकारी का पदनाम क्षेत्र जिसके लिए शक्तियों का प्रयोग किया जाना है।

1	2	3
1.	श्री पी. आर. के. नायर, क्षेत्रीय भविष्य निधि प्रायुक्त, महाराष्ट्र	महाराष्ट्र राज्य एवं गोआ राज्य
2.	श्री के. जी. एम. नायर, सहायक भविष्य निधि प्रायुक्त, महाराष्ट्र	महाराष्ट्र राज्य एवं गोआ राज्य
3.	श्री के. राजगोपालन, सहायक भविष्य निधि प्रायुक्त, तमिलनाडु	तमिलनाडु राज्य एवं केन्द्र शासित क्षेत्र, पाण्डिचेरी (सिवाय यमन एवं महे तथा कराईकल क्षेत्र)
4.	श्री बलवंत सिंह, क्षेत्रीय भविष्य निधि प्रायुक्त, उत्तर प्रदेश	उत्तर प्रदेश राज्य
5.	श्री जगमोहन, सहायक निधि भविष्य निधि/प्रायुक्त, उत्तर प्रदेश।	उत्तर प्रदेश राज्य

[सं. आर-11013/2/90-एन. एन. II]

जे. पी. शुक्ला, प्रवर सचिव

S.O. 88.—In exercise of the powers conferred by clause (kb) of Section 2 of the E.P.F. & M.P. Act, 1952 (19 of 1952) the Central Government hereby authorises the Officers mentioned in Column (2) of the Schedule to exercise the powers of Recovery Officer under the said Act on and from the 1st day of January, 1995 for the areas mentioned in Column (3) of the said Schedule in relation to all the establishments covered under the Provision of the said Act in the respective areas :—

S. No.	Name and Designation of the Officer	Area in relation to which jurisdiction to be exercised
1.	Sh. P.R.K. Nair, Regional Provident Fund Commissioner, Maharashtra.	The State of Maharashtra and the State of Goa.
2.	Shri K.G.M. Nair, Assistant Provident Fund Commissioner, Maharashtra	The State of Maharashtra and the State of Goa.
3.	Shri K. Rajgopalan, Assistant Provident Fund Commissioner, Tamil Nadu	The State of Tamil Nadu and the Union Territory of Pondicherry (Except the areas of Yaman and Maho and Karaikal).
4.	Shri Balwant Singh, Regional Provident Fund Commissioner, Uttar Pradesh	The State of Uttar Pradesh
5.	Shri Jag Mohan, Assistant Provident Fund Commissioner, Uttar Pradesh	The State of Uttar Pradesh.

[No. R-11013/2/90/SS-II]

J.P. SHUKLA, Under Secy.

नई दिल्ली, 22 दिसम्बर, 1994

का. प्रा. 89 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक लिमिटेड-एल्को के प्रबंध तंत्र के संघर्ष निगोशकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-94 को प्राप्त हुआ था।

[संख्या एन-12012/264/84-डी II (ए) / बी II]
पी.जे. माइकल, डेस्क अधिकारी

New Delhi, the 22nd December, 1994

S.O. 89.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India, Tiruchirapalli and their workmen, which was received by the Central Government on 22-12-1994.

[No. L-12012/264/84-D.II(A)/BI]
P. J. MICHAEL, Desk Officer.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Monday, the 23rd day of May, 1994

PRESENT :

Thiru K. Sampath Kumaran, B.A.B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 7/1987

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of State Bank of India, Tiruchirapalli).

BETWEEN

Shri D. Chandrasekaran, 1/8/22, Kalainger Street, Tiruvalluvar Nagar, Kattur, Tiruchirapalli-620 019.

AND

The Branch Manager, State Bank of India, Main Branch, Tiruchirapalli.

REFERENCE :

Order No. L-12012/264/84-D.II(A), dated 13-6-1986.

Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on for final hearing on Thursday, the 11th day of November, 1993 upon perusing the reference, Claim and Counter Statements and all other material papers on record and upon hearing the arguments of Tvl. S. G. Sambandam and V. Chandrasekar, Advocates appearing for the workman and of Tvl. T. S. Gopalan and N. C. Srinivasavardhan, Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of State Bank of India Tiruchirapalli in dismissing from service Sri D. Chandrasekaran, Head Clerk with effect from December 1982, is justified ? If not to what relief is the workman concerned entitled ?"

2. The Petitioner filed the following Claim Statement :

The petitioner joined the services of the Respondent as Clerk-cum-Typist on 23-4-65 and was disputed as Clerk Kodakkal branch for a period. During 1968 there were calamities in his family, which caused mental agony to the petitioner. Therefore, he went without applying for leave. During that period he withdrew money from out station branches without any sufficient balance in the pass book. Therefore, he was suspended from service, from 1968 to 1970 without salary. At the instance of the respondent the petitioner was subjected to Medical examination at Erskine Hospital Madurai, and was treated by a psychiatrist. The respondent initiated an enquiry. Due to the family circumstances and pressures during 1970 the petitioner resigned his job. His resignation letter was not accepted by the Branch Manager. During 1970 the petitioner was reinstated into service after stopping of 2 increments. He was promoted and posted at Tambaram. Simultaneously another promotion order was served on him in December 1977 posting him Head Clerk, Tiruchendur Branch. Since he was already promoted as an Officer and was about to take charge he refused to go to the Tiruchendur branch. On 19-2-78 the petitioner was accused of withdrawing money on forged signatures, and was enquired by the Accountant and the Manager of the main branch on certain alleged fraudulent withdrawal in Palakkarai branch. The petitioner denied the charges, and explained that he was not aware of any fraudulent withdrawals. The Branch Manager R. Kandaswamy and the Accountant K. Sarangapani in the guise of helping the petitioner asked him to pay the amount to the party and settle this matter so that the matter will be given a quietus irrespective of who had committed the fraud. They persuaded the petitioner to write letters to the complainant so that the matter may be settled. The petitioner was forced to do so since the alleged defaultation of accounts occurred during the petitioner's period, as official incharge of the pay office at Palakkarai. The petitioner was persuaded by higher officials and the Union leader—Balasubramaniam to write letters so that it would absolve the petitioner from

liability and further proceedings by the Bank. The petitioner without knowing the implications acted on the advice of the higher officials, which he subsequently came to understand were done only to be used against him to prove that he had committed offence. As per the advice, the petitioner's well-wishers repaid all the money to the complainant alleged to have been drawn on forged signatures. Except Dr. Krishnamurthy no other person gave any complaint. The subsequent complaints were created and got by the Vigilance officer Mr. Vasudevan after the framing of the charge. The petitioner gave a detailed explanation in the charge sheet with the help of Union leader Balasubramaniam with the least suspicion that the explanations were made with a view to implicate the petitioner in the affair.

3. The enquiry was not conducted in accordance with the procedure. The petitioner was not given opportunities to prove his innocence. Enquiry was started on 22-5-79 and went on till 14-6-82. On the basis of the findings of the Enquiry Officer the respondent by their letter dt. 11-2-82 dismissed the petitioner from service. The appeal by the petitioner was dismissed on 28-5-83. The Enquiry Officer gave the finding after 3 years and the findings are not dated. The undue delay of 3 years to conduct the enquiry vitiated the enquiry. The petitioner was not accorded a reasonable opportunity to defend himself, in the absence of registered Union representative, who betrayed the petitioner at a very important time of the Enquiry proceedings. The witnesses Abdul Latif and Reghulane were not offered for cross-examination which amounts to violation of the principles of natural justice. The Appellate Authority did not properly consider the points raised by the Petitioner. The documents produced before the Enquiry Officer were not proved. The charge sheet was issued by the Regional Manager, but the show cause notice and dismissal were issued by the Branch Manager, which is a violation. The appeal was not disposed of within the stipulated time, and the date mentioned is fictitious. The petitioner has not committed any offence as alleged in the chargesheet. The respondent has not proved the charges. Therefore, the order of dismissal dated 11-12-1982 confirmed by the Appellate Authority by its letter dated 28-5-83 may be set aside and the petitioner may be reinstated in service with full back wages.

4. The respondent filed the following counter :

In February 1978, it came to the knowledge of the respondent that while the petitioner was acting as official incharge of the Palakkarai Sub-Office he caused forgery of the signature of Dr. P. Krishnaswamy and withdrew Rs. 8,500 from his savings bank account No. C. 55 and misappropriated the amount. He also caused forgery of the signatures of the two bearers of the withdrawal slips and received money. Two of the withdrawal slips were dated 26-9-1979 for Rs. 2,500 each and the other dated 10-12-1977 was for Rs. 1,500. He has caused forgery of the left hand thumb impression of G. Azhagammal in the withdrawal slip on 15-7-1977 purported to have been drawn on her S.B. A/C. No. PSO-198 and fraudulently withdrew Rs. 1,000. In order to effect this fraudulent withdrawal the petitioner caused the forgery of the signature of two witnesses purporting to attest the forged left hand thumb impression of Azhagammal. To cover up the same, the petitioner caused a remittance of Rs. 1,000 into the account of Azhagammal on 26-9-77 by causing the forgery of left hand thumb impression of Azhagammal in the remittance challan. On 8-8-1977 and 1-9-1977 the petitioner caused forgery of the signatures of N. A. Abdul Latif in the savings bank withdrawal slips dated 8-8-1977 for Rs. 2,000 and Rs. 1,000 and in the withdrawal slips dated 1-9-1977 for Rs. 400 purported to have been drawn on the S. B. Account No. C-71 and effected the fraudulent withdrawal from the account of Abdul Latif. The signatures of the bearer M. A. Abdul Latif in the withdrawal slip dated 8-7-77 and M. Rajan (withdrawal slip dated 1-9-77) were caused to be forged by the petitioner. To cover up this, the petitioner caused a remittance of Rs. 900 on 20-8-1977 and a sum of Rs. 2,500 on 26-9-77 in the S.B. Account of Abdul Latif causing forgery of the signatures appearing in the credit vouchers. Thus, he has withdrawn a sum of Rs. 4,000 between 15-7-1977 and 1-9-1977. By misusing Rs. 5,000 drawn fraudulently by causing forgery of two withdrawal slips of Dr. Krishnaswamy dated 26-9-1977 he caused the remittance of Rs. 1,000 in the account of Azhagammal and Rs. 2,000 to the account of Abdul Latif. It appears that he met Dr. Krishnaswamy and settled the matter with him. When the

Vigilance Officer met Dr. Krishnaswamy, he gave him the copy of the Petitioner's letter dated 22-2-1978 to Dr. Krishnaswamy accepting his guilt and offering to make good the amount. Adhagammal gave a letter dated 8-5-1978 denying the knowledge of any withdrawal and stating that the witnesses Vanita and Veerasamy were not related to her.

5. A charge sheet dated 27-9-1978 was issued, and the domestic enquiry commenced on 22-5-1979, and concluded on 24-6-1982. The enquiry officer gave his findings in September, 1982 by the communication dated 2-11-1982, the disciplinary authority proposed the punishment of dismissal, and the petitioner was given a personal hearing to show cause against the same. The petitioner appeared and gave his representation dated 7-12-1982. The disciplinary authority passed orders on 11-12-1982 dismissing the petitioner from service. The appeal by the petitioner was rejected on 28-5-1983. The order of dismissal was passed on serious charges, which were proved, and is not liable to be interfered with. It is denied that the petitioner's letter to Dr. Krishnaswamy was written at the instance of the Branch Manager and the Accountant of the Trichy branch. In the light of the written admission of the petitioner and the evidence of the handwriting expert there was no worthwhile defence available to the petitioner. The enquiry continued till 14-6-1982 because of the adjournments sought for by the petitioner, the pre-occupation of the enquiry officer, and the non-availability of witnesses. The delay has not caused any prejudice to the petitioner. It is wrong to say that the enquiry officer took three years to give his finding. The enquiry was completed on 14-6-1982 and the findings were made available by September, 1982. The petitioner was given every opportunity to defend himself. Abdul Latif and Reghini were cross-examined. There was no violation of the principles of natural justice and the enquiry was conducted fairly. The documents were marked in the presence of the petitioner and his representative and no objection was taken to the same.

6. The chargesheet was issued by the Regional Manager. By the time the enquiry was completed the Branch Manager was notified as the disciplinary authority, and the petitioner contend that he was prejudiced by the change in the authorities. The appellate authority disposed of the appeal within reasonable time, and his order would not become invalid merely because it was made after a period of one month. The respondent has lost confidence in the petitioner and could not retain him in service. If for any technical reason, the enquiry is held to be vitiated, the respondent may be permitted to lead evidence to prove the misconduct. Therefore, the claim may be rejected.

7. The issues that arise for consideration in this Industrial dispute are :

1. Whether the charges against the petitioner D-Chandrasekaran have been proved ?
2. Whether the Enquiry against the petitioner was fair and just ?
3. Whether the punishment imposed upon the petitioner is appropriate ?

8. Issues 1 to 3 : The Charge sheet issued to the Petitioner herein has been marked as Ex. W-6. The petitioner is alleged to have caused the forgery of the signatures of the constituents of the respondent Bank namely P. Krishnaswamy, M. A. Abdul Latif and also the thumb impression of another constituent by name Alagammal and there by to have fraudulently caused withdrawal of certain sums of money from the accounts of the respective constituents. He is also alleged to have caused the forgeries of the bearers of the withdrawal slips for that purpose. It is further alleged that in the case of two of the constituents he caused forgeries of either the signatures or the thumb impressions of the respective constituent even in the credit vouchers, which were made to cover up the fraudulent withdrawals. The petitioner was working as the Officer in charge of the Palakkarai Sub-Office which was under the control of the Trichirapalli branch of the respondent-bank, and is said to have indulged in these misconducts while acting as such.

9. The first charge is that on 26-9-79 he caused forgeries of the signatures of Dr. P. Krishnaswamy, and made fraudulent withdrawals from the Savings Bank account of the said P. Krishnaswamy. He is also alleged to have forged the signatures of said Krishnaswamy in the withdrawals slip on 10-12-77 and fraudulently withdrawn Rs. 1,500/-. Charge (2) levelled against the petitioner is connected with the first charge. It is alleged that the petitioner also caused the forgeries of the signatures of the bearers namely S. James in the withdrawal slip dt. 26-9-77 and M. Victor in the withdrawal slip dated 10-12-77. The third charge is also connected to the said charges. The petitioner is alleged to have arranged to pay the sum of Rs. 5,500/- that is the total amount of above said withdrawals, alongwith the interest to Dr. P. Krishnaswamy, and tried to settle the matter with him.

10. Apart from the misconducts covered by those charges there are also five more charges against the petitioner about which I deal with later. To this charge sheet the petitioner has sent his explanation Ex. M. 18 dt. 10-11-78 wherein he has stated as follows :

"I very much regret the irregularities listed out in your above letter which have occurred during my service at our erstwhile Palakkarai sub-office. Taking advantage of my temporary service in the sub-office someone has indulged in the acts referred to of which I have no knowledge. I request you to kindly pardon me for the negligence which had placed our bank in an inconvenient situation. I once again request you Sir to treat the same sympathetically and save me and my family."

11. So, we find that the petitioner has not denied that fraudulent withdrawals of monies from the accounts of the constituents of the bank using forged withdrawal slips had taken place, or that credit vouchers were forged to cover up the fraudulent withdrawals, during the period while he was working as the Officer incharge of the Palakkarai sub-office of the Respondent-Bank. The question is whether the Respondent has proved that it was the petitioner who had caused these forgeries and withdrawals, as well as certain credits made to cover up the fraudulent withdrawals.

12. With regard to the account of Dr. Krishnaswamy, the Management examined the investigating officials by name Vasudevan as P.W.3 before the Enquiry Officer. He stated in his evidence that on the instruction of the Regional Office he investigated the three fraudulent withdrawals made from the account of Dr. P. Krishnaswamy, amounting to Rs. 6,500 that Dr. Krishnaswamy narrated the circumstances under which the fraudulent withdrawals were made and that a scrutiny of the pass book revealed about these 3 fraudulent withdrawals, that he (Krishnaswamy) visited the Palakkarai branch called for the relative vouchers and complained that the withdrawals were not signed by him. PW-3 also stated Krishnaswamy confirmed that the petitioner accepted the guilt and proposed to repay the sum of Rs. 6,500. He also stated that Krishnaswamy told him, that one Chelammal agreed to pay the amount and requested him (the Doctor) not to prefer any claim. P.W. 3 stated that when he requested Dr. Krishnaswamy to give it in writing, Krishnaswamy told him that he did not want to give it in writing, and wanted him to come to Madras assuring to give a letter written by the petitioner to him (Krishnaswamy). P.W. 3 further stated that accordingly he visited his quarters and obtained the photostat copy of the letter. P.W. 3 also stated that Krishnaswamy told him that Rs. 6,500/- was paid to him with interest. The letter written by petitioner to Dr. Krishnaswami has been marked as Ex. W-1 it is dated 22-2-1978. In that letter Petitioner had stated that on 26-9-77 he alongwith one James had withdrawn 2 months of Rs. 2,500/- each from the account of Krishnaswamy (that is Rs. 5,000/- forging his signatures, that on 10-12-78 he alongwith James and Victor forged the signatures of Krishnaswamy and withdrew Rs. 1,500/- and that the sum of Rs. 6,500/- fraudulently withdrawn by him will be repaid by him by 2.00 p.m. and that on such repayment Krishnaswamy should not prefer any complaint. Apart from this the said Krishnaswamy had written a letter dated 23-5-1978 to the Chief Vigilance Officer of the Respondent Bank stating that he had not withdrawn the above said amounts that the signatures appearing in the relative withdrawal slips shown to him are not his and are forged, that James and

Victor are not known to him and were not deputed by him that the petitioner pleaded that since he was in charge of the Parakkurai Branch on the concerned date, he is liable for punishment for his negligence, that the petitioner came to his house and agreed to pay the amount as it had occurred as a result of his negligence of duty, and that since he had paid the sum of Rs. 6,500/- he did not further proceed to complain to the Bank. This apart Ex. M.9 is another letter written by the petitioner on 19-3-78 to Dr. Krishnaswamy wherein he has stated that he is grateful to him as he had saved his life and family, that he (petitioner) shall have a perfect as well as clean life, that he is trying to forget his rubbish life, and that if it was any other person in his (Krishnaswamy's) place he would be behind the bar as he was there to forgive his faults. The petitioner has further stated as follows :

"By the by Sir, our Vigilance Officer visited our Palakkurai branch and took all records connected with your complaint and gone back to Madras for further lodging of a case against me. By this time I sincerely hope our Vigilance Officer would have also met you to obtain a complaint letter or whatsoever they like from you to dislodge me from the service. I request you, Sir to tell them that the withdrawals were made by you and no grievances with the relevant operation whatsoever. They will try to get a complaint from you at any cost. But I humbly request you not to do so. It will definitely cost my life. Kindly help me at this critical juncture. I believe that none but you only can save me. At the request of Sri Chellave Ammal who gave the money to you other day, I am appealing your goodness, Sir to help me."

13. The learned counsel for the petitioner contended that the said Krishnaswamy has not been examined to speak about these documents and therefore, these documents ought not to have been admitted, in evidence. But the Investigating official (P.W. 3) has given evidence in this behalf, which shows that Dr. Krishnaswamy was not even prepared to give a complaint in writing although he had later on handed over these letters. The fact that the petitioner had written the letter to Krishnaswamy is evident from the allegations in the claim statement. He had alleged in his claim statement as follows :—"The then Branch Manager Mr. R. Kandaswamy and the accountant Mr. K. Sarangapani who under the guise of helping the petitioner asked him to pay the amounts to the parties and settle the matters, so that the matter will be given a quietus irrespective of who had committed his fraud. They also persuaded the petitioner to write letters to the complainants so that the matter may be settled without further reference to the head office about the wrongful withdrawals. This the petitioner was forced to do, since the alleged defalcation of accounts occurred during the petitioner's period as the official in charge of the nay-office as Palakkurai. The petitioner was persuaded by the higher officials and one union leader Mr. Balasubramanian to write letters that it would absolve the petitioner from liability and any further proceedings by the Bank...."

"...The petitioner gave detailed explanation with the help of the Union leader Mr. Balasubramanian with least suspicion that the explanations were made with a view to implicate the petitioner in this affair...."

14. So, it will be clear that the petitioner had written letters to Krishnaswamy first stating that he had committed the forgeries and made fraudulent withdrawals, that he was prepared to pay the money, and then written (after the money was paid back by him to Dr. Krishnaswamy) about his being ashamed of his past conduct, and at the same time requesting Krishnaswamy not to give any statement to the Chief Vigilance Officer. That is why Krishnaswamy did not give any complaint and did not give evidence before the enquiry officer but if we take hold, consideration the evidence of the investigating official (P.W.3) before the Enquiry Officer, the letters written by the petitioner to Dr. Krishnaswamy and handed over by Krishnaswamy to the Vigilance Officer and the letter written by him to the Chief Vigilance Officer, and allegations in the claim statement it will be clear that the petitioner had committed the forgery of the signatures of Krishnaswamy and made the

fraudulent withdrawals as alleged. This apart the respondent has also examined Reghlini (P.W.2) before the Enquiry Officer. He stated in his evidence that the contents of his report are true. His report has been marked as Ex. M-40 before this Tribunal and Ex. P. 30 before the Enquiry Officer. His report shows that the forgeries were caused by the petitioner. But, the contention of the petitioner is that except asking whether this report is true, no other question was asked of Mr. Reghlini and therefore he was not offered for cross-examination at all. Such a contention cannot be accepted. The respondent could have asked in detail about the report and then marked it as an Exhibit. But, he was asked to say whether his report is correct and he replied in the affirmative. But, that does not mean that he was not offered for cross-examination by the petitioner at all. In fact the petitioner had cross-examined him and nothing was elicited by him to discredit the report given by him (P.W.2). Therefore, this contention of the petitioner cannot be accepted.

15. In his report Ex. M. 40, Mr. Reghlini has reported that he compared the admitted signatures of Krishnaswamy with the disputed signatures and he has stated that the disputed signatures were not written by Krishnaswamy. He has also given various reasons. He has also compared the leave letters of the petitioner with the signature found in the disputed documents, and has given the opinion that they were all written by one and the same person. He has also examined the signature as 'Victor' found in Ex. M. 39 and found that this written by the writer of the leave letters i.e. the petitioner. Similarly, he opined that the writing as 'James' also were written by the writer of the leave letters namely the petitioner herein. Therefore, it is evident that the petitioner must have forged the signatures of not only Krishnaswamy in the withdrawal slips but also the signatures of the alleged bearers by the petitioner.

16. The report of the hand writing and finger print expert Reghlini (P.W. 2) before the Enquiry Officer (Ex. M. 40) shows that the signatures of the James and Victor found in the withdrawal slips relating to Krishnaswamy were also written by the petitioner.

17. The petitioner raised the contention that he did not write the letters to Krishnaswamy as mentioned of his own accord. The learned counsel for the petitioner contended that he was coerced to write them. But, there is no acceptable evidence whatsoever to show that these letters were written by the petitioner under coercion or undue influence. If really he had nothing to do with these forgeries and fraudulent withdrawals he would never have written these letters. We find there is a statement given by him to the Chief Vigilance Officer when he was enquired by the Chief Vigilance Officer (P.W. 3 before the Enquiry Officer). After having given his replies to the questions put by the Vigilance Officer the petitioner refused to sign the same. Therefore, it is not as if he is gullible enough to sign in the letter at the dictates of anybody. In the claim statement he has alleged that he was persuaded by the Branch Manager Kandaswamy and Accountant Sarangapani, and they persuaded him to write the letters. So, it is not as if some body coerced him to write the letters. Even otherwise, there is no evidence to show that even these persons coerced or persuaded him to write the letters. One other point raised by the learned counsel for the petitioner is that Ex. W-1 written by the petitioner to Dr. Krishnaswamy is attested by two witnesses, and that and normally a letter is not attested by 2 witnesses, and this aspect proves his contention. On the contrary this shows that his contention is not true. This is not an ordinary correspondence between the petitioner and Dr. Krishnaswamy. In this letter he has mentioned that he has committed forgery and made fraudulent withdrawals and promised to pay them within 2.00 p.m. of that day. Therefore, it is natural that 2 witnesses have attested the same. That cannot be pointed out as a circumstance to show that it is not a genuine document.

18. Another contention put forward by the petitioner is that there is no admission at all in these letters because he has mentioned only about his negligence. This contention is not correct because in Ex. W-1 he specifically says that he has forged the signatures of Krishnaswamy and fraudulently withdrew money from the Account of Krishnaswamy. In Ex. M. 9 he goes to the extent of saying that he will thereafter

lead a perfect life, and forget his past rubbish life, and that but for the help of Krishnaswamy he would be behind the bars. Therefore, his contention that he has only stated that he was negligent, and that is not an admission of forgery and fraudulent withdrawals cannot be accepted. Another significant factor is that by fraudulently withdrawing the money from the account of Krishnaswamy the petitioner had only attempted to cover up the fraudulent withdrawals made from the account of Abdul Latif and Alagammal on 26th September, 1977. The petitioner had withdrawn a total of Rs. 5,000 from the account of Krishnaswamy. But, on the same day we find that he has credited Rs. 500 to the account of Abdul Latif, because he had withdrawn from the account of Abdul Latif Rs. 3,000 under the withdrawals even in August, 1977 and another sum of Rs. 400 on 1st September, 1977 (Ex. M. 35, M. 36, and M. 38). He has credited a sum of Rs. 1,000 in the account of Alagammal on 26th September, 1977, under Ex. M. 31 which he had already withdrawn from the account of Alagammal Rs. 1,000 on 15th July, 1977. Therefore we find only to cover up the misdeeds done with regard to the account of Abdul Latif and Alagammal that the petitioner had withdrawn money from the Account of Krishnaswamy and credited it by apportioning the amount for being credited to the account of Alagammal and Abdul Latif. So, taking into the considerations all these factors I find that it has been proved that the petitioner had committed the forgeries of the signatures of Krishnaswamy, Victor and James and fraudulently withdrawn monies from the account of Krishnaswamy.

19. From the foregoing discussions, it is also evident that the petitioner had also attempted to cover up the fraudulent withdrawal by settling with Dr. Krishnaswamy.

20. Next, I will deal with the VII charge that on 8th August 1977 and 1st September, 1977 the petitioner caused forgeries of the signatures of M. A. Abdul Latif in the Savings Bank withdrawal slips dated 8th August, 1977 one for Rs. 2,000 the other for Rs. 1,000 and another withdrawal slip dated 1st September, 1977 for Rs. 400. It is alleged that by causing the forgeries he had effected fraudulent withdrawals from the savings bank account No. F 71 of Abdul Latif. The respondent also alleges that the petitioner caused even the forgeries of M. Rajan and Abdul Latif on the reverse of these withdrawal slips. Charge VIII is that, to cover up these fraudulent withdrawals the petitioner caused remittance of Rs. 900 on 20th August, 1977 and Rs. 2,500 on 26th September, 1977 in the Savings Bank Account of Abdul Latif by forging the signatures of Abdul Latif in the credit vouchers. As pointed out already, the explanation (Ex. M. 18) given by the petitioner to this charge sheet is that he very much regrets the irregularity listed out, which had occurred during service at the erstwhile Palakkarai sub-office, and that some one has done these acts taking advantage of his temporary service in the sub-office. He has even stated that he may be pardoned for the negligence, which placed the bank in an inconvenient situation. So, the fact that there had been forgeries in the withdrawal slips, and that moneys have been fraudulently withdrawn from the Savings Bank Account of Abdul Latif and also that there have been remittances of the money back into the account of Abdul Latif once again forging the signatures—is not questioned by the petitioner. Therefore, we have to consider whether it was the petitioner who forged the signatures of Abdul Latif and the bearer of the withdrawal slip M. Rajan. Abdul Latif was examined as PW. 1 in the domestic enquiry. It was asked of him whether the contents of the letter marked as Ex. P13 before the Enquiry Officer are true, and he said that they were true. That letter has been marked as Ex. M. 12 before this Tribunal. In Ex. M. 12 Abdul Latif has stated that a sum of Rs. 1,000 and another sum of Rs. 2,000 are shown to have been withdrawn from his account on 8th August, 1977 by using withdrawal slips that he saw those withdrawal slips and found that the signatures are not his signatures. He also denied that he withdrew a sum of Rs. 400 on 1st September, 1977 and that the signature found is not his. He had also stated that M. Rajan is not his man. Abdul Latif has also stated that it has been mentioned in the pass book as if he had deposited Rs. 900 on 20th August, 1977 and another sum of Rs. 2,500 on 26th September, 1977, and that these amounts were not remitted by him and the signatures are not his. It is this complaint by Abdul Latif which was put to him and he stated that the contents are true. The respondent-bank did not ask any further questions. The petitioner was asked to cross-examine him and defence representative of the petitioner had asked him several questions which did not bring

forth anything in his favour. The defence representative asked Abdul Latif if, he was maintaining his own accounts either before or after the alleged fault, Abdul Latif replied that he was maintaining accounts after the fraud and he has been verifying the accounts. The defence representative wanted them to be produced, which was objected to by the Presenting Officer. The Enquiry Officer sustained his objections. The witness also stated that he had verified from his records. Once again the defence representative made a request that those records should be produced. But, the Enquiry Officer ruled that it is not necessary for the witness to produce his own records. The defence representative stating that the prosecution has not attempted to get the records, and in view of the ruling of the Enquiry Officer he was closing his examination under protest. It was contended on behalf of the petitioner that the non-production of these records has prejudiced him. But, this contention of the petitioner cannot be accepted. The Bank has produced all the documents which it relied upon against the petitioner. The fact that the witness Abdul Latif was maintaining some records after the fraud, and he has not produced them is not going to make any difference. Therefore, this contention of the petitioner cannot be accepted.

21. One another contention put forward by the petitioner is that the only question asked of Abdul Latif was whether the contents of his complaint are true and no more details were asked of him and therefore, Abdul Latif was not offered for cross-examination. Such a contention cannot be accepted. It is not necessary that the Presenting Officer should ask all the details though, he could have asked them. The details are found in the complaint of Abdul Latif and he stated that the contents of the Complaint are true. Then, the petitioner was asked to cross-examine and his defence representative has also cross-examined him. So, it cannot be stated that he was not offered for cross-examination at all.

22. This apart, the bank has also examined the handwriting and finger print expert Reghlim as P.W. 2 before the Enquiry Officer. PW2 was asked whether the contents of his report (Ex. P.30 before the domestic enquiry and Ex. M.40 before this Tribunal) are true. He answered in the affirmative. Then the petitioner was asked to cross-examine him. The petitioner has also cross-examined him, but could not bring anything which was in his favour. In his report (Ex. M.40) the expert stated that the signatures found in the disputed documents are not the signatures of Abdul Latif and he has also given his reasons. He has also stated that the comparison of the leave letters containing the signatures of the petitioner with the disputed documents showed that these leave letters and the disputed documents were written by one and the same person, viz., the petitioner. He had also reported that the signature as Raju is also similar to the letter found in the leave letters of the petitioner. Therefore, the evidence of the expert also shows that it is the petitioner who had forged the signature of Abdul Latif as well as Rajan in the withdrawal slips, and the signature of Abdul Latif in the credit vouchers. The attempt to cover up the frauds by causing remittance into the account of Abdul Latif is also a point which goes against the petitioner. Ex. M.34 is the credit voucher for a sum of Rs. 2,500 into the account of Abdul Latif. Ex. M.37 is another credit voucher for crediting Rs. 900 into the account of Abdul Latif. The signatures found in these vouchers are also forgeries. Ex. M.34 acts against the petitioner in two ways. First the attempt to cover up the

withdrawal from the account of Abdul Latif is established, by this document. The second is that this establishes that he got this money Rs. 2,500 for crediting the amount, by withdrawing it from the account of Krishnaswamy on the same date namely 26-9-1977, under two withdrawal slips Ex. M.32 and M.33. So, it is clear that the petitioner has not only withdrawn fraudulently, but has also attempted to cover it up by making credits, using forged documents. Therefore, taking into consideration all these factors I find that these two charges (VII) and (VIII) have also been proved.

23. Charge Number IV is that the petitioner caused forgery of the left thumb impression of Alagammal in the withdrawal slip dated 15-7-1977 and thereby effected fraudulent withdrawals of the said amount. Charge (V) is that for effecting the said fraudulent withdrawals the petitioner caused forgery of the two witnesses purporting to attest the forged left thumb impression of Alagammal appearing on the reverse of the withdrawal slips. Charge (VI) is that to cover up the fraud the petitioner caused a remittance of Rs. 1,000/- into the Savings Bank account of Alagammal on 26-9-77 by forging her left thumb impression, in the credit voucher. As pointed out already the petitioner has not stated in this explanation that these forgeries and fraudulent withdrawals have not happened but had only stated that somebody else has indulged in these activities. He had also not examined himself as a witness. The Bank examined the investigating official Vasudevan as P. W. 3 who in his evidence stated that his enquiry from Alagammal revealed that she had not visited the Bank on 15-7-77 to draw the money or on 26-9-77 to remit the money. P. W. 3 also stated that Alagammal told him that Vonitha and Veerasamy appearing as witnesses on the back of the withdrawal slips are not related to her. Of course, Alagammal has not been examined. The learned counsel for the respondent contends that the evidence of the investigating official coupled with the respect of the finger print and handwriting expert Reghlini go to prove this charge. The learned counsel for the respondent contends that the Reghlini has stated in this report Ex. M. 40 that the comparison of the disputed thumb impressions and the admitted thumb impressions of Alagammal (mistakenly stated as Gopalammal in the report are not identical. Of course, he has also given the reasons for the same. He has also compared that the signatures written as Vasantha and XVeera-ami the words of the L. T. I. of G. Allagammal are similar to the hand writing found in the leave letters of the petitioner. It may be that the thumb impressions are not that of Alagammal. But they are not established to be the thumb impressions of the petitioner. The petitioner is sought to be connected with the thumb impressions only by a comparison of words L. T. I. of Alagammal. But a comparison of only 3 words only it cannot be stated that the thumb impression is that of the petitioner or that he caused this forgery. The evidence of the finger print Expert and evidence of the investigating official Vasudevan are not sufficient to prove that these forgeries have been made by the petitioner. There is also no other evidence to indicate the complicity of the petitioner as in the case of the withdrawals made from the account S.

Krishnaswamy, to confirm the opinion evidence of the finger print & handwriting expert. Therefore, I find that these charges IV, V & VI have not been satisfactorily proved.

24. The next question that will have to be considered is as to whether the enquiry was fair and just. One of the contentions put forward by the petitioner is that the documents have not been furnished to him before the commencement of enquiry and therefore the petitioner has been handicapped in the cross-examination and therefore he has been prejudiced. Before the enquiry Officer the Respondent-Bank relied upon and marked 29 documents. The defence representative complained on 23-5-79, the date on which the enquiry was commenced, that he was not given exhibits 4,7,8,9, 15 to 17 and 27 to 29. Ex. P. 4 marked before the Enquiry Officer is the draft in favour of one Salaivalar while Exs. P. 7 to P. 9 were credit scrolls. Exs. P. 15 to P. 17 were ledgers, and E. 27 to 29 were specimen signatures of the 3 constituents from whose accounts the petitioner is alleged to have fraudulently withdrawn the money. On the adjourned date (17-6-81) of the Enquiry the petitioner was furnished Ex. 4, 5, 13, 27 to 29 and was informed that the other documents are bulky in nature and therefore the defence can scrutinise the original. The other documents namely P. 7 to 9 and 15 to 27 are account books and therefore the petitioner was asked to scrutinise them. The petitioner had an opportunity to cross-examine the P. W. 1 on 17-6-81. Therefore, the contention that he was not furnished copies of documents and therefore, he was prejudiced cannot be accepted. In fact the petitioner has not been able to show as to how he has been prejudiced.

25. The next contention of the petitioner is that he was not permitted to engage a lawyer, that the defence representative had abandoned the enquiry at a particular stage and therefore he has been prejudiced. Of course, it is evident that the defence representative had not taken part in the enquiry and represented the petitioner after a particular stage, but, that does not mean the petitioner was deprived of an opportunity to defend him. On 3-7-81 the petitioner himself had cross examined the finger print and handwriting expert. At that time he did not raise any plea that he should be permitted to be defended by a lawyer. After the examination of the finger print expert was over the enquiry was adjourned. It is only on 3-3-82 under Ex. W-8 the petitioner has requested for time since he was looking for a suitable representative and had also requested for permission to engage a lawyer. The Enquiry Officer replied under Ex. W-9 rejecting his request for permission to engage a lawyer and posted the enquiry to 10-3-82. On 10-3-82 only the investigation official was examined. The enquiry was adjourned subsequently also. The employee who had cross-examined P. W. on 13-4-82 stated on 14-6-82 that since he had no defence representative to help and guide in cross-examination and since he is a layman he did not know how to cross-examine, he was closing cross-examination. He did not examine either himself or any witness on his side. Therefore, it is contended by the learned counsel for the petitioner that the refusal to permit him to engage a

lawyer had prejudiced the rights of the petitioner. But, it cannot be stated the petitioner has the absolute right to be defended by a lawyer, especially so, in this case when substantial part of evidence had been completed by the time when this request for being represented by a lawyer was made by the petitioner. He did not make a representation on 3-3-82 when P. W. 3 the investigating official was being examined. It is not stated that the Presiding Officer and the Enquiry Officer are legally trained men. Therefore, in these circumstances, I am of opinion that the Enquiry Officer was justified in refusing permission to the petitioner to be defended by a lawyer.

26. Another point raised by the petitioner is that there has been considerable delay in conducting the enquiry and therefore the petitioner has been prejudiced. Ofcourse, the enquiry commenced on 22-5-79. On that day the charges were read out and the petitioner pleaded not guilty. Documents were marked and list of witnesses were filed. The Enquiry was adjourned to 23-5-79. On 23-5-79 P.W 1 was examined in part and the enquiry was adjourned. On 16-6-81 enquiry was resumed and adjourned to 18-6-81. P.W. 2 was examined on 31-8-81. Then the enquiry was held on 10-3-92 only. Subsequently the enquiry was resumed on 13-4-82 and P. W. 3 was examined. On that day, and then the enquiry was adjourned to 15-4-82 and then to 14-6-82. So, the enquiry had taken a long time to conclude. The petitioner relied upon the decision in *BHARAT SUGAR MILLS LTD. Vs. JAI SINGH* (1961 II LLJ Page 644) and contended that in view of the delay the enquiry must be held to be vitiated. In that decision it was held that in view of delay in conducting the enquiry and in applying for permission to dismiss the workmen the permission to dismiss them is granted from the date of this judgement by the Hon'ble Supreme Court. It was not held that the enquiry itself is vitiated.

27. The petitioner contended that the preferred appeal and the appellate authority had not applied its mind while rejecting the appeal. The order in appeal is marked as Ex. W-15, and is dated 28-5-83. But, I find that the Appellate Authority had briefly considered the grounds of appeal dated 7-12-82 submitted by the petitioner, and has given its reason for rejecting the appeal. It is not as if it is a non-speaking order. But, the learned counsel for the petitioner contended that the Appellate Authority has not applied its mind would be evident from the fact that in the preamble of the order it has been stated that the written appeal dt. 7-12-82 submitted by the petitioner and referred to in his letter of date delivered to him in person at 4.45 p.m. today, that is 28-4-83, at the time of the personal hearing granted to him is against the order of dismissal without notice w.e.f. 2-12-82. The order is dated 28-5-83. The learned counsel for the petitioner pointed to the words 'delivered to me in person at 4.45 p.m. today i.e. 28-4-83' and also the date of order as 28-5-83, and contends that this proves his case. Ex. W-13 refers to a letter dated 28-4-83 addressed to the Appellate Authority by the petitioner and also the personal hearing given to the

petitioner. It is with Ex. W-13 the order dismissing the appeal was enclosed and sent to the petitioner. Therefore, it is evident that on 28-4-83 the letter addressed to the Appellate Authority alongwith the written submission dt. 7-12-82 were placed before the appellate authority. The order in appeal also shows that during the personal hearing the petitioner drew his attention to the contents of the letter dated 7-12-82 and stated that he has nothing further to add except to plead for mercy. Therefore, it is not as if the appeal was heard on 7-12-82 and order was passed on 28-5-83. Ofcourse, there is discrepancy in the date of the order. The Order is dated 28-5-83, whereas the preamble portion of the order says that the letter and the written appeal 7-12-82 were handed over on that day that is 28-4-83. But, it cannot show that the appellate authority has not applied its mind in passing the order.

28. One other point raised by the petitioner is that the appeal should have been disposed of within a month. Ofcourse the letter of appeal dt. 7-12-82 was not disposed of within a month. But, it cannot be therefore held that the enquiry itself is vitiated or that the punishment is not fair. The provision in the Bi-partite Settlement in Clause 19.4 is that the appeal should be disposed of within 2 months from the date of receipt and within one month from the date of the conclusion of the hearing if any. This is only a procedure, and it is not a substantive right which would vitiate the enquiry or make the punishment bad in law. I agree with the learned counsel for the respondent and hold that merely because the appeal has not been disposed of within 2 months from the date of its receipt, or within a month from the date of the hearing of the appeal it cannot be stated that the enquiry has been vitiated or that the punishment cannot stand.

29. Taking into consideration all the factors, I find that except charges IV, V & VI the other charges against petitioner have been proved, and even those charges proved are sufficient to warrant the punishment of dismissal from service. I also find that the enquiry were fair and just.

I find that the action of the Management of State Bank of India in dismissing the petitioner D. Chandrasekaran, Head Clerk from service has to be upheld, but I find that in view of the long delay in conducting the enquiry, and the Judgement of Honable Supreme Court referred to above, it must be held that the dismissal from December 1982 cannot be sustained, but will have to be given effect to only from the date of this judgement.

30. In the result, I hold that the dismissal of the Petitioner Chandrasekaran from service is justified, but, I hold that the dismissal will take effect only from the date of this Award. The petitioner will be entitled to such reliefs as are available to him consequent upon my holding that the dismissal will take effect only from this date. In other respects the petitioner will not be entitled to any other relief i.e., reinstatement and other consequential reliefs. An award is passed accordingly. No costs.

Dated, this the 23rd day of May, 1994		W-18/20-1-83	Appeal preferred by the Petitioner, workman against his dismissal order (copy).
THIRU K. SAMPATH KUMARAN INDUSTRIAL TRIBUNAL		W-19/26-1-83	Letter from Petitioner-workman to the Branch Manager, Trichi (Copy).
WITNESSES EXAMINED		W-20/2-2-83	Letter from Appellate Authority to the Petitioner—workman instructing him to appear for personal hearing.
For both side : None		W-21/3-3-83	-do-
DOCUMENTS MARKED		W-22/28-4-83	Reply by Petitioner—workman to Ex. W-20.
For Workman :		W-23/9-6-83	Letter from Management—Bank Disciplinary Proceedings Section to the Petitioner—workman enclosing the order of Appellate Authority dt. 28-5-83 on the appeal preferred by the petitioner—workman.
Ex. W-1/22-2-78	Letter from Petitioner-workman Thiru D. Chandrasekar to Mr. P. Krishnaswamy (Xerox copy).	W-24/4-10-83	Letter from Branch Manager to the Petitioner—workman.
Ex. W-2/5-3-78	Letter from Petitioner-workman to the Branch Manager, Trichi, State Bank. (Xerox Copy)	For Management :	
W-3/17-5-78	Letter from Thiru M.A. Abdul Latif to the Chief Vigilance Officer, State Bank of India, Madras-1 (Xerox copy).	M-1/5-9-84	Letter from Petitioner—workman to the Regional Labour Commissioner (Central), Madras-6 (copy).
W-4/23-5-78	Letter from Dr. P. Krishnaswamy to the Chief Vigilance Officer, State Bank of India, Madras (Xerox copy).	M-2/26-9-84	Letter from Assistant Law Officer, State Bank of India, to the Regional Labour Commissioner (Central), Madras-6 in reply to Ex. M.1 (copy).
W-5/19-8-78	Suspension order issued to the Petitioner-workman (Xerox copy).	M-3/24-7-68	Letter from Management—Bank to the petitioner—workman regarding his unauthorised absence (copy).
W-6/27-9-78	Charge sheet -do-	M-4/5-8-68	Letter from Petitioner—workman to the Management—Bank requesting to permit him to withdraw his resignation (copy).
W-7/22-7-81	Enquiry Notice -do-	WM-5/1-3-69	Memo issued to the petitioner—workman calling for his explanation for his unauthorised absence from duty etc. (copy).
W-8/3-3-82	Letter from Petitioner-workman to the Enquiry Officer requesting to postpone the enquiry (Xerox copy).	M-6/25-3-69	Explanation by the petitioner workman to Ex. M.5 (copy).
W-9/6-3-82	Reply by the Enquiry Officer to Ex. W-8 (Xerox copy).	M-7/2-5-69	Charge sheet issued to the petitioner—workman (copy).
W-10/11-6-82	Letter from Petitioner-workman to the Enquiry Officer (Xerox copy).	M-8/16-5-69	Explanation by the Petitioner—workman to Ex. M.7 (copy).
W-11/26-11-82	Letter from Disciplinary Authority to the Petitioner-workman permitting him to appear for the personal hearing on 8- 2-82 (Xerox copy).	M-9/19-3-78	Letter from Petitioner—workman to Dr. P. Krishnaswamy (copy).
W-12/7-12-82	Reply by Petitioner-workman to the Disciplinary Authority (Xerox copy).	M-10/8-5-78	Letter from Gopal Alggammal to the Management—Bank, (copy).
W-13/9-6-83	Letter from Management Bank, Disciplinary Proceedings Section to Petitioner-workman. (Xerox copy).	M-11/12-5-78	Letter from Azhigammal to the Management—Bank (Xerox copy).
W-14/4-10-83	Letter from Management—Bank to the Petitioner—workman (Xerox copy).	M-12/17-5-78	Letter from M.A. Abdul Latif to the Chief Vigilance Officer, State Bank of India, Madras-1 (copy).
W-15/28-5-83	Order of Appellate Authority on the appeal preferred by the petitioner-workman (Xerox copy).	M-13/23-5-78	Letter from Dr. P. Krishnaswamy, to the Chief Vigilance Officer, State Bank of India, Madras (copy).
W-16/11-5-84	Letter from Management—Bank to the Assistant Labour Commissioner (Central), Ministry of Labour & Rehabilitation, Govt. of India (Xerox copy).		
W-17/22-6-78	Letter from Thiru C. Sundararajan, Cashier to the Chief Vigilance Officer, State Bank of India Madras.		

M-14/22-6-78	Letter from Thiru C. Sundararajan, Cashier to the Chief Vigilance Officer, State Bank of India, Madras (copy).	M-41/	Ledger Account of Gopal Ammal for the period from 25-2-1976 to 12-5-1978 (Xerox copy).
M-15/21-6-78	Question & answers between Chief Vigilance Officer and Thiru D. Chandrasekaran. (copy).	M-42/	Ledger A/c. of Dr. Perianna Pillai Krishnaswami for the period from 19-1-76 to 8-3-78 (Xerox copy).
M-16/19-8-78	Suspension order issued to the Petitioner—workman (copy).	M-43/	Ledger A/c. of Thiru Mphammed Abdullah Abdul Latiff for the period 29-6-76 to 27-9-78 (Xerox copy).
M-17/27-9-78	Charge sheet issued to the petitioner—workman (copy).	M-44/	Specimen signature of Thiru Abdul Latiff (Xerox copy).
M-18/10-11-78	Explanation by the Petitioner—workman to Ex. M. 17 (copy).	M-45/	L.T.I. of Gopal Alagammal (Xerox copy).
M-19/13-3-79	Enquiry Notice issued to the Petitioner—workman (Xerox copy).		
M-20	Proceedings of the Enquiry Officer (copy).		
M-21/	Findings of the Enquiry Officer (copy).		
M-22/11-12-82	Dismissal order issued to Petitioner—workman (copy).		
M-23/24-3-84	Industrial dispute raised by the petitioner—workman before the Regional Labour Commissioner (Central), Madras-6 (copy).		
M-24/15-7-77	Saving Bank withdrawal slip of G. Angammal (Xerox copy).		
M-25/15-7-77	Demand draft in favour of Thiru Salaivalan (Xerox copy).		
M-26	S.B. A/c. entries relating to Gopal Alagammal (,)		
M-27	S.B. A/c. entries relating to Thiru Mohammed Abdullah Abdul Latiff (Xerox copy).		
M-28	S.B. A/c. entries relating to D. Perianna Pillai Krishnaswamy (Xerox copy).		
M-29/15-1-77	Xerox copy of pages 384 and 385 of Scroll Payment book		
M-30/26-9-77	Xerox copy of page nos. 120 and 121 of Cashier's payment scroll.		
M-31/26-9-77	S.B. credit voucher relating to G. Alagammal (Xerox copy)		
M-32/26.9.77	S.B. withdrawal slip for Rs 2,500/- (xerox copy)		
M-33/26.9.77	—do—		
M-34/26.9.77	S.B. Credit voucher relating to Thiru M.A. Abdul Latiff for Rs. 2,500/- (Xerox copy).		
M-35/8-8-77	S.B. withdrawal slip for Rs. 1,000/- of Thiru M.A. Abdul Latiff (Xerox copy).		
M-37/20-8-77	S.B. Credit voucher relating to Thiru M.A. Abdul Latiff for Rs. 900/- (Xerox copy).		
M-38/1-9-77	S.B. withdrawal slip for Rs. 400/- of Thiru M.A. Abdul Latiff (Xerox copy).		
M-39/10-12-77	S.B. withdrawal slip for Rs. 1,500/- of Dr. P. Krishnaswamy (Xerox copy).		
M-40/15-12-78	Report of the handwriting and finger-print expert Thiru C.M. Raghelini (copy).		

नई दिल्ली, 22 दिसम्बर, 1994

का. प्र. 90:—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. ईस्टर्न कोलफील्ड्स लिमि. का बिहार कोलियरी के प्रखंडों के संबंध निरीक्षकों और उनके कर्मचारों के बीच, प्रमुख में विवाद औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, (सं. 1) 1947 के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 20-12-94 को प्राप्त हुआ था।

[संख्या एल—20012/404/91—आई नार कांज --I]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 22nd December, 1994

S.O. 90.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bihar Colliery of M/s. E.C.L. and their workmen, which was received by the Central Government on the 20-12-94.

BRAJ MOHAN, Desk Officer
[No. L-20012/404/91-IR (Coal-I)]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 28 of 1993

PARTIES :

Employers in relation to the management of Bihar Colliery of M/s. E.C. Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha,
Presiding Officer.

APPEARANCES :

For the Employers : Shri B. M. Prasad, Advocate.

For the Workmen : None.

State :

STATE : Bihar.

INDUSTRY : Coal

Dated, the 5th December, 1994

AWARD

By Order No. L-20012(404)/91-I.R.(Coal-I) dated the 4th January, 1993, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this tribunal :

"Whether the demand of the Bihar Colliery Kamgar Union for regularisation of S/Shri Govind Daagi and 66 others and payment of wages as per NCWA is justified? If yes, to what relief the concerned workmen are entitled?"

2. The order of the reference was received in this Tribunal on 9-2-1993. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the workmen, which was duly delivered. But neither the concerned workmen nor the sponsoring Union appeared and filed written statement. Even on 28-11-1994 on one was present on behalf of the workmen.

3. It, therefore, appears that the sponsoring Union has lost the interest in this reference or that it now has no dispute with the management. In the circumstances, I am constrained to render a 'no dispute' award in this case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 1994

का. भा. 91 औद्योगिक विवाद प्रवर्धन, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. टाटा भारल एंड स्टील कम्पनी लि. को सिजुआ कोलियरी के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, प्रबन्ध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के संघर्ष को प्रकटित करती है, जो केन्द्रीय सरकार को 20-12-94 को प्राप्त हुआ था।

[संख्या एल - 20012/188/91 - आई आर (कोल - 1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 22nd December, 1994

S.O. 91.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sijua Colliery of M/s. TISCO. and their workmen, which was received by the Central Government on the 20-12-94.

No. L-20012/88/91-IR(Coal-I)
BRAJ MOHAN, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 152 of 1991

PARTIES :

Employers in relation to the management of Sijua Colliery of M/s. TISCO.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha,
Presiding Officer

APPEARANCES :

For the employers : Shri B. Joshi, Advocate.

For the Workmen : Shri B. N. Sharma.

STATE : Bihar.

INDUSTRY : Coal

Dated, the 1st December, 1994

AWARD

By Order No. L-20012(188)/91-IR(Coal-I) dated 'nil' the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Sijua Colliery of M/s. TISCO Ltd. in not giving employment to Sri Shyam Narayan Singh S/o Shri Sukhdeo Singh whose service were terminated on medical ground w.e.f. 30-3-1983 is correct? If not, to what relief the workman is entitled?"

2. When the case was taken up on 30-11-1994 Shri B.N. Sharma, Joint General Secretary, submitted that the sponsoring Union is no longer interested in prosecution of the reference as the concerned workman does not want to continue prosecuting the dispute.

3. It, therefore, appears that the workman and the sponsoring Union have lost interest in this reference and that they have now have no dispute with the management. In the circumstances, I am constrained to render a 'no dispute' award in this case.

4. Therefore, I render a 'no dispute' award in the present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 1994

का. भा. 92 औद्योगिक विवाद प्रवर्धन, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. भारत कोलियरी लिमि. की दहीबारी कोलियरी के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, प्रबन्ध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के संघर्ष को प्रकटित करती है, जो केन्द्रीय सरकार को 20-12-94 को प्राप्त हुआ था।

[संख्या एल - 20012/88/93 - आई आर (कोल - 1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 22nd December, 1994

S.O. 92.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dahibari Colliery of M/s. BCL and their workmen, which was received by the Central Government on the 20-12-94.

[No. L-20012/88/93-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

New Delhi, the 22nd December, 1994

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of Industrial Disputes Act, 1947.

Reference No. 45 of 1994

PARTIES :

Employers in relation to the management of Dahibari Colliery of M/s. BCC Ltd.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha,

Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 2nd December, 1994

AWARD

By Order No. L-20012/88/93-IR(Coal-I), dated 8-3-1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Dahibari Colliery of M/s. B.C.C.U. Area No. XII is not regularising Shri Kamal Kishore Singh, Dumper Operator as Pay Loader Operator is justified ? If not, to what relief the concerned workman entitled to ?"

2. The order of the reference was received in this Tribunal on 15-3-1994. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the workman, which was duly delivered. Neither the concerned workman nor the sponsoring Union appeared and filed written statement. Even on 29-11-1994 no one was present on behalf of the workman.

3. It, therefore, appears that the sponsoring Union has lost the interest in the reference case or that it now has no dispute with the management. In the circumstances, I am constrained to render a 'no dispute' in this case.

4. Therefore, I render a 'no dispute' award in the present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 1994

का. मा. 93—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार, मी. सैटुल कोय फील्ड्स लिमि. का सैटुल बर्काना के प्रमुखता के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकांश, (सं. 1), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-94 को प्राप्त हुआ था।

[संख्या एन - 20012/371/93 - चार्ज मार (कोय - 1)]

ब्राज मोहन, डेस्क अधिकारी

S.O. 93.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Workshop of M/s. CCL and their workmen, which was received by the Central Government on the 20-12-94.

[No. L-20012/371/93-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 88 of 1994

PARTIES :

Employers in relation to the management of Central Workshop of M/s. CC Ltd., Barkakana.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha,

Presiding Officer.

APPEARANCES :

For the Employers : Shri R.S. Murthy, Advocate.

For the Workmen : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 5th December, 1994

AWARD

By Order No. L-20012(571)/95-IR.(Coal-I) dated 8-4-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of Additional General Manager, Central Workshop, Barkakana, P.O. Barkakana, NTS District Hazaribagh of M/s. Central Coalfields Ltd. is justified in dismissing the workman Shri Shiv Prasad Nodia, Security Guard w.e.f. 4-9-92 ? If not, to what relief the workman is entitled to ?"

2. The order of the reference was received in this office on 21-4-1994. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the sponsoring Union, which was duly delivered. Neither the concerned workman nor the sponsoring Union appeared and filed written statement. Even on 28-11-94 no one was present on behalf of the workman.

3. It, therefore, appears that the sponsoring Union has lost interest in this reference or that it now has no dispute with the management. In the circumstances I am constrained to render a 'no dispute' in this case.

4. Therefore, I render a 'no dispute' award in the present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 1994

का. प्रा. 94—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार, मै. ठाटा आयरन एंड स्टील कम्पनी लिमि. की वेस्ट बोकारो कोलियरी के प्रमुखों के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-94 को प्राप्त हुआ था।

[संख्या एन - 20012/386/91 - आई आर (कोल-1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 22nd December, 1994

S.O. 94.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of West Bokaro Colliery of M/s. TISCO and their workmen, which was received by the Central Government on 20-12-1994.

[No. L-20012/376/90 IR (Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947.

Reference No. 9 of 1991

PARTIES :

Employers in relation to the management of West Bokaro Colliery of TISCO.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha,
Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri S.N. Goswami, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 5th December, 1994

AWARD

By Order No. L-20012/376/90-I.R. (Coal-I) dated 12-2-91 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the Management of West Bokaro Colliery of TISCO Ltd., P.O. Ghatatand, Dist., Hazaribagh in dismissing from service of Shri Jagdish Ganju, Ex-Tyndal w.e.f. 12-9-88 is legal and justified? If not, to what relief the workman is entitled?"

2. The dispute has been settled out of Tribunal. A memorandum of settlement has been filed in this Tribunal. I have gone through the terms of settlement and I find those to be fair and reasonable. I allow the prayer to pass an award accordingly. The memorandum of settlement shall form part of this award.

3. Let a copy of this award be sent to the Ministry as required under Section 15 of the Industrial Disputes Act, 1947.

P. K. SINHA, Presiding Officer

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

Reference No. 9/91

Employers in relation to the management of West Bokaro Colliery,

AND

Their workmen.

The humble petition on behalf of the parties to the above reference most respectfully sheweth :—

1. That the concerned workman Shri Jagdish Ganju will be reinstated in his service on the same terms as his brother Shri Haraman Ganju has been reinstated in terms of Award passed by Tribunal No. 2 in Reference No. 89/91 relating to some incidence.
2. That continuity of service will be maintained but he will not be entitled for back wages and other benefits for the period of his idleness from the date of his dismissal till the date of his reinstatement.

It is humbly prayed that the Award may be passed accordingly.

Sd/-
JAGDISH GANJU

For the Employers
Sd/-
(Illegible)
2-12-1994

Part of the Award

नई दिल्ली, 22 दिसम्बर, 1994

का. प्रा. 95—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार, मै. भारत कोलिन कोल लिमि. की केशरगढ़ कोलियरी के प्रमुखों के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-94 को प्राप्त हुआ था।

[संख्या एन - 20012/192/93 - आई आर (कोल - 1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 22nd December, 1994

S.O. 95.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kessurgarh Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 20-12-1994.

[No. L-20012/192/93-IR(Coal-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

New Delhi, the 22nd December, 1994

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO 1, DHANBADIn the matter of a reference under section 10(1)(d) (2-A)
of the Industrial Disputes Act, 1947

Reference No. 113 of 1994

PARTIES :

Employers in relation to the management of Kessurgarh
Colliery of M/s. P.C.C. Ltd.

AND

Their Workmen.

PRESENT :

Shri P. K. Sinha, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : None.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 6th December, 1994

AWARD

By Order No. I-20012/192/93-I.R. (Coal-I) dated 4-5-94 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Kessurgarh Colliery of M/s. BCCL, P.O. Nawagarh, District Dhanbad in dismissing Shri Sagir Mia, Miner/Loader, w.e.f. 7-3-1991 is justified? If not, to what relief is the concerned workman entitled?"

2. The order of the reference was received in this Tribunal on 19-5-1991. Thereafter notice was sent to the sponsoring Union to file written statement on behalf of the workman, which was duly delivered. Neither the concerned workman nor the sponsoring Union appeared and filed written statement. Even on 29-11-94 no one was present on behalf of the workman.

3. It, therefore, appears that the sponsoring Union has lost interest in this reference or that it now has no dispute with the management. In the circumstances, I am constrained to render a 'no dispute' award in this case.

4. Therefore, I render a 'no dispute' award in the present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 1994

का. प्रा. 96—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार, रायल इण्डिया लिमि. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण गोहाटी, (आसाम) के संघर्ष को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-12-94 को प्राप्त हुआ था।

[संख्या एन - 30012/41/88 - डी-III (बी)/आई प्रार (कोल - 1)]

ब्रज मोहन डेस्क अधिकारी

S.O. 96.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Guwahati (Assam) as shown in the Annexure in the industrial dispute between the employers in relation to the management of Oil India Ltd. and their workmen, which was received by the Central Government on the 20-12-1994.

[No. L-30012/41/88-D-III(B)/IR(Coal-I)]

BRAJ MOHAN, Desk Officer

ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GUWAHATI, ASSAM

Reference No. 8(C) of 1989

PRESENT :

Shri J. C. Kalita,
Presiding Officer,
Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute Between :

BETWEEN

The Management of Oil India Ltd., Narangi, Guwahati.

AND

Shri P. Kalita, Chowkidar, Oil India Ltd., Narangi.

APPEARANCES :

Shri P. C. Deka, Advocate. Shri Suren Sharma, Advocate : For the Management.

Shri B. M. Mahanta, Advocate : For the Workman.

AWARD

The Government of India, Ministry of Labour, New Delhi by a Notification No. L-30012/41/88-D-III(D) dated 31-7-89 referred an Industrial Dispute between the Management of Oil India Ltd., Narangi and their workman Shri Prasanna Kalita, Chowkidar Regd. No. 9/0365 for adjudication by this Tribunal with copies to both parties. On receipt of the said notification a case was registered with notices to both parties to appear before this Tribunal and to file their written statements. Both parties appeared and filed their written statements. The reference reads as follows :

"Whether the action of the management of Oil India Ltd. (Pipe Line) P.O. Narangi, District Kamrup in dismissing Sri P. Kalita, Chowkidar Regd. No. 9/0365 from service w.e.f. 6-12-78 is justified. If not what relief the workman is entitled to?"

In his written statement workman contended that he was appointed as Chowkidar in Oil India Ltd., Pipe Line Division, Narangi, Guwahati in the year 1963 and has been serving to the satisfaction of the management. On 19-10-78 while he was on duty he was falsely implicated in a Criminal Case by the Pipe Line authority for abetting two thieves to commit theft of valuable materials from the Store Depot of the Pipe Line authority. He was chargesheeted by the Police together with other persons to stand trial in the Court of Law.

The Pipe Line authority instituted a domestic enquiry during the pendency of the criminal proceeding on a charge of misconduct as laid down in Section XIV(2)(II) of the Company's standing order. In the enquiry he was found guilty and was finally dismissed from service with effect from 6-12-78 by the authority after acceptance of the Enquiry Report. During the pendency of the Criminal Case the management filed a petition Under Section 33(2)(b) of the Act before the Central Industrial Tribunal, Calcutta which held the domestic enquiry valid. He was honourably acquitted by the Judicial Magistrate, Guwahati in G.R. Case No. 4797 of 1979 on 22-1-95. After acquittal he submitted several petitions for his reinstatement but was informed after lapse of more than 3 years on 13-3-87 that his acquittal has no bearing on domestic enquiry held under the provision of

Company's standing order. He then raised a dispute before the Assistant Labour Commissioner, Guwahati in which Management also participated but the conciliation made no head way. Thereafter the appropriate Government referred the dispute to this Tribunal for adjudication. According to him there was gross violation of principle of natural justice and the domestic enquiry held was perverse and illegal.

The management in their written statement denied the contention of the workman and pleaded that the reference made after 11 years of his dismissal is bad in law and untenable. The Management also challenged the notification not being referred by a competent authority. According to the Management the workman involved in abetting two unauthorised persons to enter into the Industrial Area of the company to commit theft of valuable properties with the intention of wrongful gain. He was charge-sheeted for misconduct against which a domestic enquiry was instituted. In the domestic enquiry he was found guilty and was finally dismissed from service with effect from 6-12-78. As an Industrial Dispute was pending at that time the Management filed an application under Section 33(2)(b) of the Act before the Central Industrial Tribunal, Calcutta for approval. The Central Industrial Tribunal, Calcutta held the domestic enquiry valid. Management reiterated that his acquittal in criminal case has no bearing on domestic enquiry held under the provision of company's Standing Order and that too after the approval accorded by the Central Industrial Tribunal, Calcutta. There was no violation of principle of Natural Justice. Hence he is not entitled to the relief claimed.

Management in support of its case examined three witnesses whereas the workman examined himself who were discharged after cross examination. Both sides pressed number of documents into service.

The preliminary points raised by the learned counsel for the Management were discussed and finally disposed of by my predecessor-in-office. By an order dated 9-3-90 it was held that the reference was valid. By a separate order dated 2-5-90 it has held that the reference is not barred by the principle of res judicata. By the last order dated 9-11-92 it has further held that the domestic enquiry was invalid and was not legally tenable.

The reference was heard on merit in which the learned counsels for both the sides questioned the propriety of two conflicting orders passed by the Central Industrial Tribunal, Calcutta and by this Tribunal against an application Under Section 33(2)(b) of the Act. The Central Industrial Tribunal, Calcutta by its order dated 8-10-79 held the domestic enquiry fair and proper whereas the domestic enquiry was held to be unfair and invalid by my predecessor-in-office by its order dated 2-5-90. On perusal of the order dated 2-5-90 what I find is that my predecessor-in-office came to the aforesaid conclusion on the basis of the contention of Para 15 of the Management's written statement wherein it has been stated that the domestic enquiry was held illegally. This typographical mistake was corrected on the basis of a petition filed by the Management after hearing, the learned counsels for both the parties. The binding effect of the order dated 2-5-90 reads as follows: "Regarding review of the order dt. 2-5-90, it appears to me that question of review of the said order requires decision on the merit of the whole reference. It is not possible to give any decision on merit at this stage. Accordingly the learned counsels for both the parties fairly left it to this Tribunal to decide the case on merit by taking into consideration of the two conflicting orders mentioned above in the light of the evidences before it.

Admittedly when the criminal case is pending before the Judicial Magistrate at Guwahati the Management instituted a domestic enquiry against the delinquent workman on the following charge—"On 19-10-78 at about 1.30 A.M. you have allowed two unauthorised persons to wrongfully enter the Industrial area and in collusion with them, you have committed dishonest/fraudulent act in which you have allowed the unauthorised person to commit theft and remove company's property from within the locked store godown with an intention for wrongful gain to you and wrongful loss to the company".

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The termination of service of the workman is the dispute referred for adjudication. When a dispute arises Industrial Tribunals have been given power to see whether the termination of service of a workman is justified and to give appropriate relief. The termination was on the ground of misconduct. In a case of dismissal on misconduct Tribunal does not sit as a court of appeal and substitute its own judgement for that of the management. It will interfere (i) When there is want of good faith, (ii) When there is victimisation or unfair labour practice, (iii) When the management has been guilty of a basic error or violation of principle of natural justice, (iv) When in the materials the finding is completely baseless or perverse.

A domestic enquiry is said to be held properly if (i) the workman is informed clearly of the charges levelled against him, (ii) the witnesses were examined in his presence, (iii) the workman is given fair opportunity to examine the witness and to examine himself in defence and (iv) the enquiry officer records his findings with reasons. Herein this case charges were well informed him, witnesses were examined in his presence and to his hearing but he declined to cross examine them, he was given reasonable opportunity to defend himself. So it can not be said that the enquiry was not properly held. The next question is to satisfy the Tribunal on what facts and factors the order of dismissal was proper, and the Tribunal is to come to its own conclusion without having regards to the views taken by the management in dismissing the workman.

It has been laid at rest that if a domestic enquiry is properly held and the management terminates the service of the workman, the Industrial Tribunal dealing with Industrial Dispute arising out of such dismissal is not authorised to sit in appeal over the findings of the enquiry committee or to examine the propriety of the ultimate order of dismissal. But it subjects to the qualification that if it appears to the Tribunal that the ultimate order is so disproportionately severe in relation to the misconduct proved that it may lead to an inference of victimisation, the Tribunal would be justified in interfering with this order. It is well established that in the case of victimisation or unfair labour practice it is open to the court to go into the merits of the case and to investigate whether the order of dismissal was justified. In this context the learned counsels for both the parties placed their views with reference to the provision of Section 11-A of the Act. In this connection reliance was placed on the decision reported in AIR 1973 S.C. page 1227 in which it was held that Section 11-A of the Act gives the Tribunal to reappraise the evidence in the domestic enquiry and to satisfy itself whether the said evidence relied on by the management established the misconduct alleged against a workman. The Tribunal is now at liberty not only to consider the correctness of the finding of the enquiry but also to differ from the said finding as to the punishment awarded. It has power to interfere with the punishment and alter the same. It is not necessary that the Tribunal must arrive at a finding regarding unfair labour practice or victimisation. Even if no victimisation or unfair labour practice is proved, it is open to the Tribunal to award lesser punishment in lieu of discharge or dismissal if it is satisfied that the order of dismissal was not justified.

It is an admitted fact that the workman was a night chowkidar on the date of occurrence on 19-10-78 at the main gate inside which the industrial area is situated. In the Industrial area there is another gate under the control of another chowkidar engaged by a contractor. The property alleged to have been stolen away were inside a store godown inside the Industrial area. Even if any outsider enters through the main gate with the aid or connivance of the chowkidar of the main gate the outsider cannot enter into the Industrial area without the help or connivance of the chowkidar at the Industrial gate to commit theft of the property stored in the store. Workman Prasanna Kalita was the chowkidar at the main gate and one Suraj Bahadur Rana was the chowkidars at the Industrial gate. It is in evidence that the distance between the two gates are about 40 ft. and the store inside the Industrial area is about 140 ft. from the Industrial gate (inside gate).

According to the workman key of the Industrial gate remains with the chowkidar of that gate, only when he opens the lock he could enter inside the Industrial area and that too when the water pump installed inside the Industrial area shows over flow. Witness No. 3 Sri B. Shah was the security officer on duty at that time. According to him, the workman is to go round the Industrial area and the other chowkidar (Suraj Bahadur Rana) is to remain on duty inside the Industrial area. It means that the workman is normally not to go inside the Industrial area. This is in corroboration of the evidence of workman P. Kalita.

According to Mr. Shah he saw some foot prints in the morning on the southern walls of the store which is inside the Industrial area. Suspicion arose in his mind and requested the store officer to check the store materials; checking leads to discover the thief of valuable property from the store. There are two alternatives—the two outsiders as alleged in the chargesheet must have entered inside the Industrial area with the help of Suraj Bahadur Rana or they might have claimed over the southern wall if Mr. Shah is to be believed that the southern wall contains foot marks. It is not the duty of this Tribunal to see what materials were stolen by whom but to see the involvement of Prasanna Kalita in the theft. So the evidence of Suraj Bahadur Rana is the only material piece of evidence to prove the involvement of P. Kalita with the commission of theft. He was acquitted in the criminal case but how he was acquitted is not to be scrutinised.

Suraj Bahadur Rana is not examined before this Tribunal. Exhibit 8 is the enquiry proceeding. Not a single witness except Suraj Bahadur Rana implicated Prasanna Kalita with the commission of theft as abettor. Suraj Bahadur Rana's deposition before the enquiry officer shows nothing except his statement before the Security Officer. Exhibit 2 is the statement and Exhibit 2(1) is his signature. But his statement as to the facts leading to the occurrence was not recorded by the enquiry officer. It means that the Enquiry Officer accepted the statement recorded by the Security Officer/bv the Police Officers. The Security Officer who was examined as witness No. 3 nowhere stated before this Tribunal that he himself recorded the statement of the workman. What he has categorically stated is that the statement of P. Kalita was recorded in his presence by the O/C at the Police Station. The statement recorded by the Police is not evidence and is not acceptable. But the enquiry officer relied on the statement recorded by the Police. As Suraj Bahadur Rana was one of the accused arrested by the Police his statement implicating Prasanna Kalita is not admissible against Prasanna Kalita. Exhibits 4 and 5 bear no evidentiary value.

Exhibit 6 is the Photo copy of the statement of Suraj Bahadur Rana recorded by C.J.M., Guwahati in connection with Police case. This is not a confessional statement as claimed by the learned counsel for the management; but a mere statement recorded Under Section 164 GPC. The statement recorded Under Section 164 GPC has no testimony. Prasanna Kalita stated before the enquiry officer that he did not know about the theft but he made the statement before Police implicating himself under duress, threat and physical force. He further deposed that if he does not confess he shall be finished. The same kind of statement is also made before this Tribunal that he was badly beaten by the O/C to extract his confessional statement, and he accordingly made the statement before the Police. Statement made under duress cannot be taken into account to prove the guilt of a person.

It is now clear from the evidence on record that no outsiders can enter into the Industrial area where the store is situated without the active help of Suraj Bahadur Rana. The Security Officer stated before this Tribunal that Prasanna Kalita who stationed on the main gate was to go round the Industrial area and Suraj Bahadur Rana was to remain inside the Industrial area. This is in corroboration of the evidence of Prasanna Kalita that he can enter inside the Industrial area only when the gate is opened by Suraj Bahadur Rana in case of overflow of water pump located inside the Industrial area or the alarm bell is rung. Statement of Prasanna Kalita before the Police and of security officer about the involvement of two outsiders in commission of theft may bring some presumption of his involvement too.

The charges in criminal case could not be proved in the court of law. The chargesheet levelled against him speaks that he allowed two outsiders to enter into Industrial area on 19-10-78 at about 1.30 A.M. to commit theft of company's valuable materials. His dishonest/ fraudulent act in collusion with two outsiders amounted to misconduct as provided in Section XIV(2)(4) of the company's standing order. To hold guilty of a workman under the said provision there must be theft, fraud or dishonesty in connection with company's business or property. Theft was not proved, fraud was not the allegation, only remains the dishonesty. I have already expressed my opinion that his (workman) involvement cannot be ruled out. Now the question is whether his termination from service for such type of misconduct is justified? Section XIV 2(2) of the standing order says about punishment. In awarding of punishment the Departmental officer will take into account the gravity of the misconduct, the previous record if any, of the workman. The Departmental Officer in awarding him the extreme punishment did not consider the gravity of the misconduct proved and his previous record. Exhibit 'Ka' shows that he was once felicitated on 30-7-75 by a certificate of good work for apprehending a person at the main gate for unlawful possession of Company's materials. I have already held that the theft alleged to have been committed on 19-10-78 inside the industrial area was with the active help of Suraj Bahadur Rana and by accepting his (Suraj Bahadur Rana) evidence without considering the previous record of good work by this workman the order of dismissal or termination was not justified and reasonable. I am firmly of the opinion that the domestic enquiry though was properly conducted, the order of dismissal was out of proportion to the misconduct proved taking into consideration of the magnitude of the offence and previous conduct of the workman. Lesser or minor punishment would have served the purpose. In other words, even if the workman is found guilty of the charge levelled against him he has the right to invoke power of the Tribunals for reduction of penalty. Tribunal has very wide discretion in awarding punishment to a delinquent workman while dealing with a dispute relating to discharge or dismissal. If on the facts and circumstances of a case the Tribunal finds that a lesser penalty than discharge or dismissal would be sufficient it is incumbent upon it to convert the discharge or dismissal into lesser punishment.

Herein this case workman's direct involvement in the commission of theft on 19-10-78 is nowhere stated by the witnesses of the Management. The sole evidence relied by the Management is that of Suraj Bahadur Rana, but his evidence was not properly recorded by the enquiry officer in the domestic enquiry, only his statement recorded by the O/C was exhibited and accepted which is not admissible as evidence, he is also not produced before his Tribunal. According to him he kept silent as he was paid tips by this delinquent workman not to report it to the authority. A man who can be purchased by paying tips cannot be relied upon to hold the workman guilty as abettor. In such cases rule of law requires corroborative evidence, but no corroborative evidence is at all, either before the domestic enquiry or before this Tribunal. Considering all the relevant facts in the light of Section 11-A of the Act I come to the conclusion that the punishment imposed by the management is extremely harsh and unjust and highly disproportional to the misconduct proved which makes me to interfere with the punishment awarded. In my opinion, stoppage of few increments would have met the ends of justice.

It has been argued by the learned counsel for the management that the workman raised the dispute after 11 years of his termination, and made no prayer for his reinstatement during that period. In reply there to the learned counsel for the workman submitted that his criminal case was pending before the learned Chief Judicial Magistrate, Guwahati for which no claim was raised. Unless and until the criminal case is finally disposed of, the prayer for reinstatement into service can not be raised simply on the ground that the workman if found guilty and convicted, would not get the opportunity to raise the question of reinstatement but as he was honourably acquitted he got the opportunity to raise the dispute. In view of this proved circumstances, raising the dispute for reinstatement after acquittal in the criminal case, can not be a bar that the dispute was raised after 11 years of his termination. In this connection the learned counsel for the management relied on the decision reported

in AIR 1968 S.C. page 529. The subject matter of this case materially differ from the subject matter of the case in hand. Here in this case the workman prayed for reinstatement immediately after the order of acquittal, but his prayer was turned down by the management by its letter dated 13-3-87. What I find is that there is no delay in referring the dispute by the Government but the delay as claimed by the learned counsel for the management relates to the delay during the pendency of the criminal case. This delay of 11 years was not due to the fault of the workman but because of the pendency of the criminal case. So I find the said decision not acceptable to this case.

Admittedly the workman has since retired from service. So there arises no question of reinstatement into service of the Company, only available remedy, in my opinion is the back wages from the date of termination till date of retirement. In this connection the learned counsel for the management relied on AIR 1984 S.C. 286 wherein the Hon'ble Supreme Court award half back wages for the period from the date of termination till the date of reinstatement. In this referred case the workman was reinstated but because of delay in raising the Industrial Dispute the Hon'ble Supreme Court ordered for half back wages for the period from the date of termination till the date of reinstatement. But in respect of the case in hand, the delay was due to long pendency of the Criminal Case, the delay in raising the dispute was not due to his fault. Record shows that the workman retired from the service with effect from 11-6-89. So no question of reinstatement comes with half back wages as held by the Hon'ble Supreme Court. But what I find is that he continued to stay in the official quarter upto May 1994 from the date of termination on 6-12-78 with all the amenities available there. This fact should be taken into account.

In the light of the discussions held above I am of the considered opinion that the order of dismissal of the workman was not justified but his claim for reinstatement vanished because of his retirement from service by now. However, having regard to the circumstances I do hereby order that this worker be paid half wages from the date of termination till the date of retirement with all other benefits available to a workman after retirement.

I give this Award on this 9th day of December, 1994 at Guwahati.

I. C. KALITA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1994

का. भा. 97.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दक्षिण पूर्वी कोल-फील्ड्स लि. सम्बलपुर के प्रबन्धन के संबद्ध नियोजकों और उनके कर्म-कारों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण युवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-12-94 को प्राप्त हुआ था।

[सं. एल - 22012/380/91 - ग्राह्य धार (सी - II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 23rd December, 1994

S.O. 97.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Bhubaneswar as shown in the Annexure in the industrial dispute between the employers in relation to the management of South Eastern Coalfields, Sambalpur and their workmen, which was received by the Central Government on the 15th December, 1994.

[No. L. 22012/380/91-IR(C-II)]
RAJA LAL, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL: ORISSA: BHUBANESWAR:

PRESENT :

Sri P. K. Tripathy, M.A.L.L.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 4 OF 1992
(CENTRAL)

Dated, Bhubaneswar, the 29th November, 1994

BETWEEN :

The management of IB Valley Area of South Eastern Coalfields Ltd., P. O. Brajranj-nagar, Dist: Sambalpur.

... First party—
management.

(And)

Their workman Sri Digvijay Singh represented through Brajranjagar Coalmines Workers' Union, At P. O. Lantibahal, P. O. Brajranj-nagar, Dist: Sambalpur. Second party-workman.

APPEARANCES :

None.—For both the parties

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication by this Tribunal vide their Order No. L-22012/380/91-IR(C.II) dated 4-2-92:—

“Whether the action of the management of IB Valley Area, South Eastern Coalfields Ltd., Brajranjagar, Dist. Sambalpur, Orissa in dismissing Sri Digvijay Singh, Trammer in the year 1978 was justified? If not, to what relief the workman is entitled to?”

2. This case was posted to 23-11-94 for hearing at Sambalpur Circuit. On that date both the parties remained absent. No step was also taken by either party. On perusal of the record, it is found that through both the parties have filed their respective claim statement and written statement but they have not come forward to participate in the hearing perhaps for the reason that either the dispute under reference has already been amicably settled between them or they are no more interested to contest the case. In view of the conduct of the parties, as aforesaid, this Tribunal has no other option than to pass a no dispute Award in the case and accordingly a no dispute Award is passed in so far as the present reference is concerned.

Dictated & corrected by me.

P. K. TRIPATHY, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1994

का. आ. 98--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार भारतीय रिज़र्व बैंक के प्रबन्धन के सम्बन्ध में नियोजकों और उनके कर्मचारों के बीच, अनुसूच में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न. 1 बम्बई के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार की... .. प्राप्ति हुआ था।

[संख्या एल-12012/29/90-आईआरबी-III/आईआरबी (i)]

पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 23rd December, 1994

S.O. 98.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Reserve Bank of India and their workmen, which was received by the Central Government on

[No. L-12012/29/90-IR-B-II (IR-B-I)]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.
Reference No. CGIT-95 of 1990

PARTIES :

Employers in relation to the management of Reserve Bank of India

AND

Their Workmen.

APPEARANCES :

For the Management—Shri Tiwari, Dy. Legal Adviser.
For the Workmen—Shri Dongre, Advocate.

INDUSTRY : Banking STATE : Maharashtra
Bombay, the 14th day of November, 1994

AWARD

Government of India Ministry of Labour has made following reference u.s. 10(i)(d) read with 2-A of the Industrial Disputes Act, 1947 for adjudication.

SCEDULE

"Whether the management of Reserve Bank of India, Bombay, are justified in altering the working hours in respect of staff III and IV in UBD and DBOD at World Trade Centre, Cuffee Parade, Bombay, which was prevalent from 1977 ever since it was shifted from Fort Branch to World Trade Centre, Cuffee Parade, Bombay, without complying with Section 9-A of the I. D. Act, 1947? If not, to what relief are these workmen entitled to?"

2. Statement of claim has been filed by the Vice President, Reserve Bank of India employees Association, Bombay.

3. Till 1976 department of Banking operations and Development (hereafter referred to as DBOD) was located in the main building of the Reserve Bank of India in Fort area. In the year 1977 this department was shifted to World Trade Centre at Cuff Parade Bombay. There was a stoppage reaction from the staff working in that department because of the proposed shifting. A suit also came to be filed in the City Civil Court Bombay. To avert crises the Deputy

Governor, Reserve Bank of India invited representatives of the staff members to discuss the matter and the management informed the representatives that the shifting was a temporary measure and that the department would be brought back to the Fort area as soon as possible. The representatives agreed to the interim arrangement. It was decided that the total number of working hours would remain the same. However the lunch hour which was of 45 minutes would be reduced to 30 minutes and the office timings on week days would be upto 5.45 p.m. only. This was an interim arrangement until the department was reshifted to the fort area.

4. This reshifting did not take place. Only the UBD department is shifted to Worli recently. The timings fixed were observed for 14 years, as agreed upon with the reduced lunch hours of 30 minutes.

5. All of a sudden unilaterally the management issued a notice dated 19-9-1989 to effect a change in the timings. It was informed that the new timings would be from 10.45 am to 6 pm with lunch interval of 45 minutes on week days and the working hours on Saturdays would be 10.45 am to 2.15 pm without lunch interval for class three employees and 20.30 am to 6.15 pm with 45 minutes lunch interval on week days and 10.30 am to 2.30 pm with no lunch interval on Saturdays for class IV employees. There was a protest from the staff against this proposed arrangement. No effect of that notice was given pending consideration of the representation of the staff members. The representation was turned down. Another notice was displayed dated 31-3-1990 by which the change as notified in the notice dated 19-9-89 was to be effected. Certain interim orders were sought from this Tribunal on 6-12-90.

6. The Union raised an Industrial Dispute and approached the Conciliation Officer. He directed the Management to maintain status quo pending conciliation proceeding. On failure of conciliation proceeding Industrial Dispute has been referred for adjudication by Government of India as stated above.

7. The Union submits that the change being effected unilaterally without consulting the Union and without following the provisions of Section 9-A of the Industrial Dispute Act is bad. The practice prevailing for about 14 years and on the basis of understanding cannot be altered. The reasons for altering the same given by the Management are not correct and acceptable to the Union. It is further stated that this is contrary to the recommendations of the Award of Shri Justice K. T. Desai (Part II chapter para 13.83). The contention further, is that the Management's reliance upon the uniformity of timings is misplaced. They are not the same. It is in the circumstances prayed that the change proposed to be brought about may not be permitted.

8. Written statement has been filed by the Management. The Management admitted that these 2 departments were formerly in the fort area housed in the main building. It is further admitted that it was shifted to cuff Parade because of insufficiency of accommodation. Grievance was made about inadequate transport facilities and the suit filed came to be dismissed. Assurance was given that the BEST authorities would be approached for making adequate transport arrangement to enable the employees posted in the departments at cuff parade to commute conveniently. That was done by the Management and as a special case and purely as a temporary measure the employees in all the cadre were permitted to leave the office early by 15 minutes by reducing their lunch hour from 45 minutes to 30 minutes on week days. This facility was extended because there was no sufficient improvement in the Transport facility. Further in 1989 by letter dated 28th of April the BEST informed about the bus routes between Churchgate and V.T. Stations to cuff parade and on consideration of this information the Management was satisfied that adequate Transport facility was available for the employees and therefore the original timings were sought to be restored. The reason for doing so was because of the early closing of the DPOT the management was not able to coordinate the functioning of the various departments of the Central Office of the Bank. The other departments housed in several buildings all over Bombay are observing uniform timing

of 10.45 am to 6.00 pm on week days with 45 minutes lunch hour and from 10.45 minutes to 2.15 pm without lunch hour on Saturdays. To enable them to adjust it was decided to give 21 days notice even though there was no need for such a notice because in effect there was no change in the conditions of service. The justification is thus given for dispensing with the notice and also the change in timings.

9. Reliance has been placed by the Management also on the awards of Justice K. T. Desai and Shri Venkatarana Ayyer which has fixed the working hours of class three employees at 6-1/2 hours on week days exclusive of lunch hour of 45 minutes and 3-1/2 hours on Saturdays without lunch hour. This has been approved by awards and class three employees of the Bank have been following the same. The justification is that there was improvement in the transport facilities. That there should be uniformity of timings for smooth and effective functioning of the Bank.

10. The dispute is with regards to the change being brought about without complying with the provisions of section 9-A of the Industrial Disputes Act. There is no dispute on the point that since the 2 departments were shifted from fort to coffee parade in 1976 the employees are being permitted to leave 15 minutes before the scheduled time of departure prevailing till then and the employees have been in lieu thereof given reduced lunch hours reduced by 15 minutes. The reasons appear to be that at that time the coffee parade area had inadequate transport facilities. The Management found in 1989 on the basis of a communication received from the BEST undertaking that the transport facilities have been improved and there was no need to have the interim arrangement continued and therefore notice dated 19-9-89 was issued. By that notice the decision of the Management has been conveyed and that with effect from 16th of October 1989 the timing have been brought back to the original position. The lunch interval has been restored to 45 minutes and the departure time on week days is fixed at 6 pm for class three employees and 6.15 pm for class 4 employees. On Saturdays it is fixed at 2.15 pm for class three and 2.30 pm for class IV employees. The grievance of the employees union is that the Transport facilities are still not adequate and on the contrary though there has been some increase in the frequency of buses and introduction of new routes there has been also increase in traffic because of the new offices coming up in that area. There is no sufficient evidence to reach a conclusion one way or the other on this point. In my view the question that has been referred for adjudication is and to whether this change that is sought to be brought about could be brought about without a notice u/s. 2-A of the Industrial Disputes Act.

Section 9-A so far as is relevant read this

"Notice of change :—

No employer who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the 4th schedule shall effect such change

(a) Without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected ; or

(b) Within 21 days of giving of such notice".

11. This fourth Schedule mentions at item 4 "hours of work and rest intervals." In this case the hours of work and rest intervals are changed. Rest interval is increased and rest intervals are changed. Rest interval is increased. Therefore, Section 9-A which says that the employer who proposes to effect any change shall not do so without giving notice to the workmen likely to be effected by such change comes in play. Management's case is that it is not necessary to give such notice and that contention is rather difficult to accept. A half hearted attempt appears to have been made by the Management by notifying on 19-9-89 the change which was to be effective from 16th of October 1989 and in the course of the written statement it has been stated in para 7 that "inspite of the fact that the

first party had given 21 days clear notice and with normal timings for the working of the DBOD and UBD were brought into effect after the expiry of 21 days from the date of notice i.e. 16th October 1989. This was probably with a view to say that notice of 21 days contemplated by Section 9-A (b) of the I. D. Act has been given and therefore 9-A has been complied with. But at the same time Management has come out with a case that such a notice was not at all necessary and therefore not given. Even in the course of the arguments Mr. Tiwari appearing for the Bank did not submit that notice u/s. 9-A was given."

12. Assuming for a moment that the notice dated 19-9-1989 was given it could not be construed to be a notice u/s. 9-A because the rules prescribed a form in which such a notice is to be given and that form is prescribed under rule 34 i.e. form L. It is not in that form nor is a copy of such notice is shown to have been forwarded to the Authorities mentioned in the Annexure. Therefore obviously there is no notice u/s. 9-A given by the Management.

13. Apart from the fact that the Management tries to justify this change by contending that the Transport facilities have improved and therefore there was no need to continue the concession given it has contended that the change was agreed to be of a temporary nature and therefore there was no need for such a notice. In this connection oral evidence has been adduced. But before referring to the oral evidence I would refer to the recommendations in Desai award on which both the sides have relied. The relevant paragraph is quoted in the statement of claim and written statement also

"There shall be recess for lunch which shall not be less than half an hour and not more than one hour for week days (excluding Saturdays) subject however to the requirements of any statutory provisions like the shops and Commercial establishments acts. Primarily it will be for the workman to decide the actual length of recess within the limit fixed as aforesaid and the majority decision of the workmen in any branch or establishment shall be adopted in case of difference of opinion with the management".

14. In this case before me the recess have been not reduced below half an hour but it has been changed from 45 minutes to half an hour. Therefore the Management should not have taken a unilateral decision to increase that to 45 minutes without taking the workmen in confidence. For the purposes of fixing the hours for lunch the award says that it will be primarily for the workmen to decide the actual length of recess though it has to be within the limit fixed which limit shall not be less than half an hour and not more than one hour for week days. If there is a difference between the Management and the workmen the majority decision of the workmen in any branch or establishment is expected to be adopted. Therefore when the Management notified unilaterally on the 16th of September, 1989 the change in the duration of lunch recess and the workmen objected to it the Management will not be justified even under the award in altering it and if the Management wanted to, do it (assuming that it could do it inspite of the award) then it should have complied with the provisions of Section 9-A by giving a notice in a prescribed form.

15. The Management's contention is that this is not a change at all and therefore Section 9-A could never be attracted. The contention is that this was going to be a temporary measure until adequate transport facilities were provided. On the other hand the Union's contention is that the department were to be re-shifted to fort area until then this arrangement was to be continued and it is also contended that there has been no adequate transport facility so as to restore the old timings. Oral evidence has been adduced and that is referred to. However I do not think on the basis of that evidence it could be said that the agreement was to the effect that on improvement of Transport facilities the old timing was to be restored. Shri Deepak Bankal the Deputy Chief Officer in Reserve Bank was not aware of the meetings held before the re-shifting to the Coffee Parade of the DBOD department between then Bank Management and the Reserve Bank employees association. He admits that he had not attended any of

those meetings. He admits that Mr. Valanju as a General Secretary attended that meeting. He had not come across any minutes recorded of the meeting in which the Deputy Governor of the Reserve Bank of India participated. Because there is no record according to him to show that there was an agreement to reshift the department and till then to reduce the lunch hours. He says that there was no such agreement. He however admitted that the order reducing the lunch hours was passed by the Deputy Governor and that must have been done after the Office note was put up. He did not mention the fact in his affidavit that he has perused those office notes. He admits that the order of reduction in lunch hours was passed after the suit in the City Court was failed.

16. Shri Valanju filed his affidavit and therein stated that he attended the meeting called by the Deputy Governor and the Management informed the representatives of the staff that the re-shifting of the department at the World Trade Centre was a temporary measure and that the department could be re-shifted to the main building in fort area as soon as possible. He further stated that in view of the aforesaid position and to avert a crisis an interim arrangement was agreed upon under which it was decided to maintain the total number of working hours and to reduce the lunch break from 45 minutes to 30 minutes and that the Office time on all week days was to be upto 3.45 p.m. This was agreed as a temporary measure till the department was re-shifted to the main building. This evidence of Shri Valanju which could be relied upon in preference to that of Shri Bankal because it is the evidence of a person who was present at the meetings in which agreements were reached. It also appears to be consistent with what happened thereafter. Though it was a temporary measure it cannot be lost sight of that it continued to operate for a long period of 12 years. The change was brought about in consultation or atleast after discussion with the representatives of the workmen and before any change was made in my view notice u/s. 9-A as contemplated by the Act was necessary more particularly when Desai Award relied upon by both sides contemplated that it was for majority of the workmen to decide when there was a difference of opinion between the Management and workmen.

17. Certain decisions have been referred to and relied upon on behalf of the Reserve Bank of India. The decision in the case of the Oil and Natural Gas Commission. The Appellant V s. The Workmen reported in 1993 1 LL. J. Page 18. That is a case in which there was nothing to show that working hours was a condition of service and therefore Section 9-A was held not attracted. The Workmen worked in another building for want of enough accommodation for 6-1/2 hours only and that was for a temporary period because the factory building was under construction and the Administrative Staff was re-shifted to its own building at the factory site area. In this case before me the position is that these workmen are governed by the awards and Desai award has referred to the Shastri award which dealt with the hours of work of the workmen including the recess for lunch and to that I have already made a reference above. This would in the circumstances be a condition of services the alteration of which would require notice u/s. 9-A.

18. In the decision in the case of Hindustan Lever Limited V/s. Ram Mohan Rai and others reported in AIR 1973 page 1156, the point was whether any particular practice or allowance or concession had become a condition of service. It is observed that it would always depend upon the facts and circumstances of each case and no rule applicable to all cases could be called out from the decisions. As already stated above the hours of work including the recess for lunch become conditions of service as per the awards and the alterations has to be done if any within the terms of awards and the change if any will have to be brought about in accordance with the provisions of Industrial Disputes Act.

19. A third decision in the case between Ramesh Vinayak Konde and Ors and Ahmedabad Electricity Co. Ltd., reported in AIR 1958 (1) LL.J. 686 is referred to. There it

be reasonable. The employees were permitted to go out in canteen as often as they liked and as long as they liked it was observed there would be an end to discipline and co-ordinated work would be impossible. Such a practice had to be held to be unreasonable and subversive of discipline and could not be given the sanction. It could be stopped and that too without giving any notice of change. I do not think this decision could be cited in support in view of the facts and circumstances on record. The reshifting was done and management also realised that the employees working at the new place would be put to hardship and inconvenience. As a result the Management agreed to write to the concerned Authorities to provide adequate transport facilities for commuting between the two railway terminals Churchgate and V.T. and the place of work and that Management had to wait for a period of 12 years for being convinced that the facilities are adequate and the workmen still maintaining that they are not commensurate with the need and expectations. Even assuming that this is only a practice having the force of usage it could not be said that it was unreasonable much less subversive of discipline which could not be given the sanction and could be unilaterally stopped as held in this case. In fact the Management could have well avoided seeking support from this Authority. It is not in my view necessary to refer to the other decisions which have been cited the first one on the point is in the case between Tamilnadu Electricity Workers Federation and another and Madras State Electricity Board reported in 1962 11 Labour Law General 136 of the Madras High Court. It takes the view that to attract Section 9-A the change sought to be brought about must adversely affect the workmen. The other decision in the case of L. Rober D'Souza appellant, the Executive Engineer of Southern Railway and another respondent AIR 1982 S.C. 884 lays down a proposition that to attract Section 9-A the change proposed must be in the condition of service applicable to the workmen. I have already held about that it was a condition of service and that a change i.e. sought to be brought about is in the change of service condition. Apart from that I have also held that Section 9-A is attracted because it effects a change in hours of work and recess interval mentioned at item 4 in the 4th schedule.

20. I therefore find that the insistence of the Management in contending that the change could be brought about without complying with the provisions of Section 9-A of the Industrial Disputes Act 1947 cannot be accepted.

21. It is seen that out of the two departments shifted the UBD department has been re-shifted to Work and they have no grievance now in respect of that department. The Employees in the other department namely DBDO department which is continuing at Cuffee Parade cannot be adversely effected by change provided to be brought about by the order dated 19-9-81, 31-3-1990 and 6th October 1990. My Learned predecessor Shri Justice Khatri has on 6th December 1990 mentioned in the Rozanama that Shri Deshpande appearing on behalf of the Management and who was the legal advisor of the Bank stated that they will maintain status quo pending decision on reference so far as the present workmen were concerned. Earlier on 5th of November 1990 the High Court in writ petition No. 3072 of 1990 had passed an order to the effect that the interim order dated 12th October 1990 by the earlier division bench of that Court will continue to subsist and operate till and inclusive of Saturdays 8th December 1990 and thereafter stand vacated. But as stated above before 8th of December 1990 Mr. Deshpande's statement has been recorded and status quo has been maintained. Therefore it is obvious that the order dated 19-9-89, 31-3-90 and 6-10-1990 have not been given effect to. No relief is therefore required to be given and if necessary the order is that those orders will not be given effect to until a notice of change as contemplated by Section 9-A is given and the provisions of that Section 9-A are complied with. Action of management is held unjustified.

Award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1994

का. भा. 99.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार General Manager, Southern Rly, Madras के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण बोर्ड के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-12-94 को प्राप्त हुआ था।

[संख्या एल - 410 25/1/94 - शरीर आर बी (1)]

पी० जे० माईकल, डेस्क अधिकारी

New Delhi, the 23rd December, 1994

S.O. 99.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager, Southern Railway, Madras and their workmen, which was received by the Central Government.

[No. L-41025/1/94-IRB (1)]

P. J. MICHAEL, Desk Officer

ANNEXURE

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,
KOLLAM

(Dated, this the 17th day of November, 1994)

PRESENT:

Sri C. N. Sasidharan, Industrial Tribunal.

IN

Industrial Dispute No. 77/90

BETWEEN

Sri. T. C. Govindaswamy, (Ex. Asst. Stationmaster, Haveri R. S. Mysore Division), Thoppuparambil House, Mannuthy P.O., Trichur District Kerala State.

(By Sri. M. P. Varkey, Representative)

AND

(1) The General Manager, Southern Railway, Madras-3.

(2) The Divisional Railway Manager, Southern Railway, Mysore.

(3) The Chief Operating Superintendent, Head Quarters Office, Southern Railway, Madras-3.

(By Smt. Sumathy Dandapani, Advocate, Ernakulam)

REVISED AWARD

This industrial dispute arose out of a complaint filed under Sec. 33-A of the Industrial Disputes Act 1947 ('the Act' for short) by the complainant Sri. T. C. Govinda Swamy alleging contravention of the provision of Sec. 33 of the Act by the opposite parties during the pendency of I.D. 65/84 before Central Industrial Tribunal, Madras ('CIT' for short) stating that the complainant is a workman concerned in the dispute.

2. This complaint was originally filed before CIT where it was registered as complaint No. 13/89. Subsequently as per the order of the Government of India this complaint was transferred to this Tribunal. Accordingly it was registered here as I.D. 77/90 and that is how this matter is now before this Tribunal.

3. The facts in brief in the complaint are as below : It is stated that the opposite parties has been guilty of contravention of the provision of Sec. 33 of the Act. The complainant was an Asstt. Station Master in pay scale of Rs. 1400-2300 at Haveri Railway Station of Mysore Division. He is and was an active member and office bearer of the All India

Station Masters Association ('the Assn.' for short) which is a party in the pending proceedings in I.D. 65/84 before CIT. The complainant is therefore a workman concerned in the above dispute. By order dated 19-4-1988 the second management removed the complainant from service with effect from 5-5-1988, I.D. 65/84 is still pending before CIT. The complainant challenged the order of removal before Central Administrative Tribunal ('CAT' for short) which was dismissed for filing appeal before the appellate authority. The complainant has filed an appeal to the third opposite party and the appellate authority confirmed the penalty of removal from service. The complainant was not paid one month wages at the time of removal from service nor the opposite parties made any application before CIT for approval of the action. Thus the opposite parties contravened the provisions of Sec. 33(2)(b) of the Act.

4. The further case of the complainant is that the association is not recognised by the management and the management was suppressing the trade union activities of the association. The opposite parties consistently suppressed activities of the complainant in the association. The complainant was kept under suspension and charge memos were issued to him several times alleging cooked up allegations. Criminal case on false allegations was also filed against him. By keeping him under suspension for long time his promotion was delayed. As the Divisional secretary of the association he protested against certain actions of management and he was issued with major penalty charge memo on cooked up allegations. His promotion originally due in 1981 was given only in 1983. Unable to restrain legitimate trade union activities of the complainant, he was finally transferred from Thiruchirappally Division to Mysore Division. In the year 1983 the complainant organised indefinite fast before the Divisional Office Mysore. In 1984 he was elected as general secretary for Southern Railway zone. In that capacity he has organised several agitations. He was again charge sheeted with several penalty proceedings on foisted and cooked up allegations. In August 1985 the Divisional authorities withdrew the power of sanction of leave from station masters and retained the same with divisional officers. It was malafide and resulted in untold miseries and hardship to staff including Asstt. Station masters. The revised system envisaged total abuse of power. Requirement of leave to be phoned through control phone and sanction was communicated through phone orally followed by a confirmation letter later. There was no documentary evidence to show the sanction of leave at the time it was availed. The confirmation copies were normally not sent. The association raised strong protest against this. Though the association attempted to have a negotiated settlement it failed due to the adamant attitude of managements. The complainant has orally on 2-4-1986 applied for ten days compensatory off, to be availed from 5-5-1986. Though the grant of such leave was mandatory, no reply was given to him. Hence he applied for one day casual leave on 6-5-1986 which was sanctioned. He has submitted another letter for leave for five days casual leave since he could not return to duty due to circumstances created by the railway authorities. Since his condition deteriorated he was hospitalised and applied for leave upto 15-5-1986. He returned duty on 16-5-1986 and found that leave was marked in the muster roll indicating its sanction. But by a memorandum of charge dated 26-5-86 alleged that the complainant absented himself from duty unauthorisedly from 6-5-1986 to 15-5-1986 without getting proper sanction of leave. The muster roll was the only document cited in the charge memo. No witnesses were cited. The charge memo was issued by the Divisional Operating Superintendent. The request of the complainant to have access to certain documents including the message sent through control phone for grant of leave was not heeded to. None of the documents was given to him and he could not submit defence statement.

5. It is further stated that without waiting for the statement of defence one Sri B. S. Rao was appointed as the enquiry officer to enquire into the charges levelled against the complainant. The enquiry officer asked the complainant to submit the explanation. An explanation at that stage was not warranted particularly when access to documents was not given to him. A preliminary enquiry was held on 16-7-1987 and asked by the enquiry officer the complainant submitted a list of witness and documents. On 14-5-1987 the disciplinary authority appointed Sri Aswatha Narayana Rao as presenting officer. On 11-12-1987 the complainant received a notice for enquiry from Sri R. N. Rathnan. The change of enquiry officer

was not intimated to the complainant though the complainant requested that the enquiry be held by an officer outside Mysore Division. The disciplinary authority overruled his request overruling the allegation of bias against the officers of Mysore Division. The Divisional Railway Manager usurped the position of disciplinary authority and appointed a third enquiry officer Sri. A. N. Seshadri. Sri Seshadri conducted the enquiry. No witness was examined nor any document produced in the enquiry. The complainant was straight away questioned by the enquiry officer and closed the enquiry. The complainant submitted the statement of defence and waited for adducing defence evidence. But the Divisional Manager assumed the role of both reviewing and disciplinary authority issued a penalty advice removing the complainant from service. The appeal filed by the complainant was also dismissed. The whole disciplinary proceedings and the order imposing penalty and appellate order were actuated by malafides, unfair labour practice and victimisation for legitimate trade union activities. This is unconstitutional and opposed to the mandatory principles of natural justice and therefore liable to be set aside. The procedure adopted by the Divisional Manager as the appellate authority was ultravires the Railway Servants Discipline and Appeal Rules 1968 ('the Rules' for short). The order imposing penalty and appellate order were without jurisdiction. Neither the Divisional Operating Superintendent nor the Divisional Railway Manager or the Chief Operating Superintendent was appointing authority. The orders appointing the enquiry officer was without jurisdiction and illegal. The enquiry proceedings was unsustainable. The divisional authorities as a whole was biased against the complainant since his trade union activities had a direct bearing on the atrocities and failures of these officers. He was denied with reasonable opportunity in defending his case in the enquiry. Materials relied upon by the enquiry officer and appellate authority were not shown to the complainant. The enquiry officer assumed the role of prosecutor, imputed his personal knowledge, put leading questions and held private enquiries without affording opportunity to rebut the same to the complainant. The findings of the enquiry officer was perverse and not based on any evidence. The appellate order was not a speaking one. The penalty of removal of service was disproportionate and discriminatory. The complainant was not given one month wages at the time of removal. The prayer is for quashing the whole proceedings and for reinstatement in service with all benefits.

6. The case pleaded by the managements is briefly as below : The complaint is not maintainable either in law or on facts. The complainant was working as Asstt. Station Master in Mysore Division and therefore CIT has no territorial jurisdiction to entertain this complaint. The complainant was removed from service for his unauthorised absence. The appellate authority confirmed the order which was not challenged. The present complaint is not connected with I.D. 65/84 which was filed by the association which is not a recognised association. The case does not fall within the purview of the Act. Hence there was no question of giving him one month wages at the time of his removal. The management deny the allegation of complainant that several minor penalty cases were instituted against him. In order to ensure the smooth running of train service was not affected by agitation the administration had to impose temporary ban on the exercise of power by supervisory officials in sanctioning their leave to the staff. There was no malafide intention in this. Genuine cases were considered by the higher authorities of the division. The approval of grant of leave was reported back to the control station through control phone followed by written confirmation. The other allegations are not true. No application for sanctioning ten days compensatory rest from 5-5-1986 was received from the complainant. His request for one day compensatory rest through control phone was not sanctioned. The request for five days casual leave through control phone on 8-5-1986 was not sanctioned. The complainant remained unauthorisedly absent from 5-5-1986. It was upto the complainant to ascertain and get the sanction before availing leave. He made an application for and availed the same without sanction. As he did not perform any duty from 6-5-1986 to 16-5-1986 and there was no specific sanction of leave for the said period it was unauthorised absence. For this misconduct he was charged with a memo of minor penalty by the competent authority i.e. Divisional Operating Superintendent Mysore. Enquiry Officer dispensed the present officer as the charge levelled was only unauthorised absence and presenting officers are appointed only in S.P.E.

and theft cases. The complainant during the enquiry expressed bias against the enquiry officer Sri R. N. Rathana. The reviewing authority i.e. Divisional Railway Manager appointed Sri A. N. Sheshadri as the enquiry officer. Consequent on the appointment of enquiry officer the Divisional Railway Manager became the disciplinary authority. As no witness had been cited in the charge memo there was no occasion for examination of any witness. The charge was proposed to be sustained on the document i.e. the muster for the relevant period. The complainant had been given opportunity to inspect the muster. No other document was cited. The complainant was permitted to file his defence statement and on considering the proceedings and report of the enquiry officer the disciplinary authority imposed the penalty of removal.

7. Further case of management is that the disciplinary proceedings and imposition of penalty are not unfair or malafide. The request of the complainant for personal hearing was granted by the appellate authority. The penalty is imposed only for the misconduct and not for his trade union activity. The complainant was appointed initially by a Senior Skilled Officer and promoted to the present grade by Divisional Operating Superintendent. As per the schedule of powers appointing authority or higher authority is delegated with the power to impose penalty for removal from service. The Divisional Railway Manager being a higher authority is competent to impose the same. Since then workman failed to submit his reply to charge memo within ten days the disciplinary authority appointed the enquiry officer. The enquiry officer was appointed by a competent authority. The Divisional Railway Manager was within his jurisdiction to deal with the application of the complainant on the point of bias and appoint a fresh enquiry officer. The Divisional Railway Manager was not biased against the complainant as alleged. The petitioner was given ample opportunity to defend his case. The findings of the enquiry officer are not perverse and based on documents and evidence on record. The order of the appellate authority is a speaking order. There is no provision to make available the report of the enquiry officer to charged employee before imposition of penalty. There is no provision under Discipline and Appeal Rules to give one month wages as he was removed from service for misconducts. The penalty is not disproportionate and discriminatory. The penalty awarded is not to victimise the complainant and the penalty was commensurate within the offence committed.

8. The complainant has filed a counter disputing written statement of management and reaffirming the contentions advanced by him in the original complaint.

9. The complainant has given evidence as MW1 and Exts. W1 to W16 have been marked on his side. The management has not adduced any evidence. With the above pleadings and the evidence this Tribunal passed an award on 16-9-1991 directing the management to reinstate the complainant in service with all benefits. The management challenged that award before the Central Administrative Tribunal (CAT) Ernakulam Bench by filing OA No. 684/94. CAT by order dated 18-7-94 quashed the award of this Tribunal and directed this Tribunal to enter into specific finding on the following questions :

- (1) Whether respondent T. G. Govindaswamy is a workman in the contemplation of Industrial Disputes Act. A finding will be entered after affording an opportunity to both sides to adduce evidence, documentary or oral, to substantiate their contentions.
- (2) Whether the expression 'Station Master' used in paragraph 5.01 quoted herein before includes Asstt. Station Master. On this question also, both sides will be afforded an opportunity of adducing evidence.
- (3) Whether the finding of misconduct is proper.
- (4) Even if the Industrial Tribunal has jurisdiction and even if the finding of guilt is justified, whether the punishment is harsh or not, in the light of the law laid down in *Union of India v. Gilraj Sharma*, AIR 1994 SC 25.

That is how this matter is now again before this Tribunal.

10. After remand both sides have adduced oral and documentary evidence. The workman again examined himself and Exts. W17 to W29 have been marked on his side. The

Asstt. Personnel Officer of Mysore Division of the management was examined as MW1 and Exts. M1 to M10 have been marked on their side.

11. Question No. 1. The question to be considered is whether the complainant in this case is a workman as defined in Sec. 2(s) of the Act and the relevant portion of which reads thus :

"Workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched, in connection with, or as a consequence of that dispute, or whose dismissal, discharge or retrenchment has led to that dispute but does not include any such person—

(iv) who, being employed in supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercise, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

(ii) The complainant as WW1 has deposed that he was working as Asstt. Station Master (ASM) at Haveri Railway Station, Mysore Division. According to him his main duties were operation of train service, maintenance of connected registers, issue of tickets, account of cash, maintenance of connected registers, taking of proof daily of whole days cash transaction, booking of parcel, delivery of parcel, preparation of periodical returns, collection of invade tickets and other clerical duties connected to the work. He has deposed that he did not have any supervision or control over any staff and the incharge station master was having the control and supervision of all the subordinate under him. The duty roster of Station Masters (SM) and ASM were classified as continuous for period of 8 hours shift and there would be 3 men to manage 24 hours duties. According to him ASMS were in the same grade and SM was two grades above ASM. SM at Haveri Station has also to perform 8 hours duty and the incharge SM has additional duties and responsibilities like over all control of the station, discipline of the subordinates, sanctioning of leave, issue of privilege passes etc. The ASMS were performing the operational duties similar to SM and they never had any power or control over the other staff in the station. He has further stated that ASMS are under the orders and control of SM and whenever any SM is supervisory he is not directly connected with train operation. According to him ASM is not classified as supervisory. The complainant has stated that as ASM at Haveri he had no power for taking any disciplinary action against any of the staff and he had no power to issue free passes, privilege ticket, order etc. According to him the movements of train are to be done as per the instructions and directions of station controller. He had no discretion to deal with the train services except as directed by the station controller and that his duties at Haveri were not supervisory according to him. It is also stated that his salary during that time was below Rs. 1,600/- per month. According to this witness at Haveri station SM cannot work for the entire 24 hours and 2 ASM will be working on rotation. At Haveri SM also has to perform 8 hours duty and a days work is equally shared equally among one SM and 2 ASMS. ASMS are under the orders and control of SM according to this witness. He has admitted that there will not be any duty roster for the duty. SM and ASM will be in charge of only train passing duties when SM is not in roster. During cross-examination he has stated that he was drawing more than Rs. 3,600/- at the time of filing this complaint originally before Industrial Tribunal Madras.

(iii) The duties of ASM and SM are deposed in detail by MW1 also mainly on the basis of Ext. M5, Indian Railway General Rules, 1976. According to this witness the complaint was in the pay scale of Rs. 1400—2300 at the time of initiating disciplinary proceedings. He was working as SM at Bhageshpura Railway Station before he was posted as ASM at Haveri. According to this witness at Haveri there

were 3 SMS to work in shift of 8 hours each and during working hours of each SM he is having absolute control over the functioning of the station. He is responsible for the proper maintenance of various instruments mentioned for operation of the trains, various records and registers, records like various circulars, station diary and he has control over the Gr. D staff working under him. During that time at Haveri Railway Station there were two cabin men and one points man under the authority of station master and cabin man and points man sets signal for receipt and despatch of trains from the station. The responsibilities are elaborately mentioned in Chapter V of Ext. M5 general rules. This witness has stated that as per Ext. M4 Discipline and Appeal Rules, 1968 Schedule II Rule 7 Senior supervisors in the scale of Rs. 425—700 (1400—2300 present scale) are empowered to initiate disciplinary proceedings against Group C and Group D staff who are 3 grades below them. According to MW1 SMS have elaborate powers to decide about the movements of train in their jurisdiction under various circumstances such as accidents, failure of signals, failure of working instruments etc. This witness has given a detailed version of the duties of SM and the primary work of SM on duty is the maintenance of station and to ensure that Group D staff working under him are maintaining their instruments etc. properly, inspect the cabin to ensure that the cabin men on duty are aware of the various rules and about proper up keep of the signalling equipment under his control etc. This witness has stated the details of movements of train. The section controller in the divisional head quarters is incharge of sections and monitors movements of train. SM gets information from the other station from where the train to start towards the station about the availability of platforms etc. and on the advice of the station master, station master in the other station starts the train. After he receives the train in his station and after the work of alighting of passengers unloading of parcels etc. is over he informs station controller about the arrival and get his advice to despatch the train in his station and after the work of alighting of to receive the train accordingly.

(iv) On behalf of the management it was argued that the complainant at the time of initiating disciplinary proceedings was working as SM and thereafter he was Posted at Haveri Railway Station ASM and the complainant has no case that he was demoted. At that time he was in the pay scale of Rs. 1400-2300 admittedly. The corresponding previous scale was Rs. 450-700. The complainant while giving evidence before this Tribunal on 15-3-1991 has stated during his cross examination that at the time of his termination his pay was Rs. 1600 basic plus DA. On 3-11-1994 he has deposed that at the time of filing DA. On 3-11-1994 he has deposed that at the time of filing this complaint before Industrial Tribunal Madras he was drawing more than Rs. 1600. This complaint was originally filed there on 30-6-1989. His termination order was confirmed on 25-5-1989. He has no case that there was increase in salary after 25-5-1989 and before 30-6-1989. Further as per page 11 of Ext. M7 service register of the complainant his pay was Rs. 1560 as on 1-1-1986. There is an endorsement in that page to the effect that pay increased from Rs. 1560 to 1600 in scale of Rs. 1400-2300 with effect from 1-7-1987. The complainant has no case that this endorsement is false or fabricated. The above circumstances clearly establish that he was drawing more than Rs. 1600 per month at the time of termination of his services.

(v) Ext. M1 is the photocopy of Indian Railway Establishment Manual, Vol. I pages 7 and 8, Ext. M2 is page Nos. 1 and 2 of the Indian Railway Establishment Manual, old Edition. As per para 121 of Exts. M1 and M2 SM and ASMS are in the same grade. Ext. M3 is the photostat copy of page 26 of Hand Book of Hours of Employment Regulations. As per para 7 sub-para (c) of Ext. M3 ASM is classified as supervisory staff. Ext. M-4 is the photostat copy of schedule II of Discipline and Appeal Rules, 1968. As per the schedule under rule 7 of Ext. M4 senior supervisors in the scale of 425—700 (1400—2300 present scale) are empowered to initiate disciplinary proceedings against Group C and Group D staff who are 3 grades below them. Ext M5 is the photostat copy of the relevant pages of Indian Railways General Rules, 1976. As per definition clause 1.02 sub-clause 53 'Station Master' is defined as below :

(53). "Station Master" means the person on duty who is for the time being responsible for the working of the traffic within station limits, and includes

any person who is for the time being in independent charge of the working of any signals and responsible for the working of trains under the system or working in force."

As per the above definition SM or ASM who were on duty are classified. his definition makes it clear that the term 'Station Master' means the person on duty for the time being in independent charge. Chapter V of Ext. M5 General Rules para 5.01 onwards deal with the responsibility of the station master for working. As per this SM on duty has to perform the duties and responsibilities enumerated therein. As per sub-para (4) of this para. No person other than the station master shall ask for or give line clear or give authority to proceed. It has in evidence through WW1 that SM though described as continuous is not performing night duties. So during night ASM is in independent charge. And during night ASM alone can give authority to proceed the train. Even according to the complainant the ASM on duty has marked 'I.' in the muster roll for the complainant for the disputed period. That itself proves that ASM was in independent charge of the station where the complainant worked lastly. As per para 5.01 SM means ASM or SM in independent charge of the station. The permission to start train has to be given by the SM on duty. He has to record station diary. Of course the line clearance for the passing of the train and arrival of trains has to be done by the cabin man and points man. But they have to discharge their duties as per the direction of the SM and ASM in charge of the station because as per sub-para (1) of para 5.01 all the staff at the station or within the station limits shall be subject to his authority and direction in the working of the station. Further as per para 5.09 of the general rules if there is obstruction in the line it is the SM who has to give instructions to the pointsman and cabinman.

(vi) During night time ASM is admittedly in charge though according to WW1 that is regarding train passing duties only. On behalf of the complainant it was argued that cabinman and pointsman are discharging their duties independently as demarked and ASM has no control and supervision over them. According to the complainant the station controller monitors movements of trains and as per the instructions of the station controller cabin man and pointsman to discharge their duties. But there is no documentary evidence in this regard. Further the station controller give instructions over the control phone to the SM or ASM in charge of the station and after receiving such instructions he has to get the clearance of line done through cabinman and pointsman. He has to give necessary direction to them who are under his authority and control as per para 5.01 stated above. SM or ASM on duty gets message from the other station regarding the arrival of trains and after the arrival of trains he has to give message to the next station regarding the departure of the train. The SM or ASM on duty in charge of the account of cash maintenance of the station, issue of ticket, collection of ticket and definitely supervision and control of the staff under him. Account of cash, maintenance of registers, recording entries in the station diary etc. are definitely administrative and managerial duties. Running of train is the most important duty and SM or ASM on duty is having supervisory control. As per para 5.04 of the general rules supervision of signal cabin is on SM and frequent visit is required to ensure the working of the cabinman and pointsman. As per sub-para (1) of para 5.04 SM shall satisfy himself that the staff employed in the signal cabins perform their duties correctly and in order to maintain an effective supervision over that staff frequently visit the signal cabins. Supervision over the staff in signal cabin is thus implicit. In J. D. 65/84 the workman has admittedly produced a chart wherein he has stated inferior staff under ASM such as pointsman, Waterman, sweeper, lampman waiting room and running room staff, eatman etc. This shows that ASM is having supervisory power over such staff. As per para 8 of Ext. M-9 statement filed in I. D. 65/84 SM and ASM are brought under the same category. WW-1 has admittedly stated in para 1.86 in Ext. M-9 that SMS are having supervisory powers over the staff under him. From the above discussions considered along with the duties and responsibilities spoken to by WW-1 and MW-1 stated above I have no hesitation to hold that SM or ASM on duty is discharging administrative and supervisory duties. The complainant was admittedly working as ASM at the time of dismissal from service and he was drawing more than Rs. 1600 per month

in the pay scale of 1400—2300. He was discharging the duties enumerated above and hence he cannot be held as a workman in the contemplation of Section 2(s) of the Act.

The above view is supported by a recent decision of the Supreme Court in *S. K. Mainin V. M/s. Carona Sahu Co. Ltd.* (AIR 94 SC 1824). That was a case in which the Supreme Court considered the test to determine whether an employee is a workman who was working as shop manager in charge of a local shop of a big company. Considering the discharge of duties as administrative and managerial the Supreme Court upheld the finding of the High Court that the shop manager in that case is not a workman as defined in the Act. In para 9, 10 and 11 of the judgment the apex court has observed the ingredients to be considered. The court held in para 9 that whether or not an employee is a workman under Section 2(s) of the Act is required to be determined with reference to his principal nature of duties and functions. The court has pointed out that the determination factor is the main duty of the concerned employee and not some work incidentally done. In para 10 of the judgment the apex court pointed out the test to determine whether an employee is a workman under the Act. In para 11 the court referred an earlier decision of apex court in *S. K. Varma V. Mahesh Chandra* (AIR 84 SC 1462) wherein it was held that in view of the amendment of Section 2(s) enlarging the ambit of the classification of various types of workmen except managerial force, entire labour force has been included within the definition of workmen under Section 2(s). Referring that decision the court held that if the principal function is of supervisory nature, the concerned employee will not be a workman only if he draws a particular quantum of salary at the relevant time as indicated in Section 2(s). In the present case the Supreme Court found that the principal functions of the shop manager was of administrative and managerial nature and though he required to do some work of clerical nature it was held that by and large appellant being in charge of the management of the shop had been discharging administrative and managerial work. The appellant in that case was in charge of the shop and was required to keep and maintain proper accounts as approved by the company indicating the exact amount to be paid from the receipts from the respective staff. The principal functions of the appellant was found to be administrative and managerial nature. In the very same paragraph the court observed that a manager or an administrative office is generally invested with the power of supervision in contra distinction to the clerical type work of a clerk. The court has further stated that the observation made by the court in an earlier decision in *Loyds Bank Ltd V. Pannalal Gupta* (AIR 67 SC 428) that a manager or administrator generally occupies a position of command or decision and is authorised to act in certain matters within the limits of his authority without sanction of the superior. In the case before me the complainant while working as ASM in the shift duty was in charge of the station during night. He has to be in full control of the station, the movement of trains, maintenance of registers, account of cash, supervision and the control of staff under him and as per Ext. M-4 ASM is described as supervisory. The duties discharged by the complainant in the case before me and the other circumstances involved here make it clear that the decision of the apex court mentioned above is squarely applicable. This decision negates the arguments of the complainant that he is a workman as defined in Section 2(s) of the Act.

(vii) On behalf of complainant it was contended that at the time of dismissal he was drawing below Rs. 1,600 and his duties were only operational and not commercial. According to the complainant rule 5.01 of General Rules are applicable only for the working of the trains and not for the general purpose of SM. The representative of the complainant has brought to the notice of this Tribunal the term SM in Ext. W-18 Block working manual as it applies to cabin assistant, station masters, ASM, Switchmen and any other competent railway servant who is in charge of Block working. The argument is that the term SM includes switchmen and any other competent railway servant also who are not coming within the definition of workman. This argument is devoid of merit as switchmen and other servant mentioned above are under the supervision of SM or ASM on duty and there is no evidence that they are not workmen as defined under the Act. It is pointed out that as per para 103 of Ext. W-19 Indian Railway Commercial Manual, definition of station master includes station superintendent, goods superintendent, inspector, supervisor etc. or any other

person incharge of booking parcel goods or other offices. Further according to the representative of the complainant as per Ext. W-20 Indian Railway Establishment Manual, 2nd Edition page 24 the definition of A 'class' comprises all appointments in the same branch or department bearing the same designation and as per that SM and ASM are in two different classes. This argument is also devoid of merit as stated by me above that SM or ASM incharge of the station discharges supervisory duties.

(viii) It is further argued that the definition given in the General rules cannot supersede the Railway servants Hours of employment Rules. According to the complainant as per Chapter VI A of Ext. W-21 Hours of Employment Regulation under para 71-A sub-para (a) (b) and (d) the duties of SM and ASM are continuous and having fixed duty hours. Further, supervisory SM did not have any fixed roster and others are having fixed rosters because they are governed by continuous roster which is identical to Haveri Station. It is pointed out that Ext. W-23, the roster of Piravam Road Railway Station is identical to Haveri Railway Station. As per Ext. W-23, ASMS share duty and SM does not have operational or shift duties. SM comes under para 71-A(a). It is also contended that as per Annexure 'A' at page 58 of Ext. W-21, ASM is not classified as supervisory irrespective of their grades. But as I have stated in the earlier paragraph the definition in the General rules and the duties and responsibilities mentioned under para 5.01 and the classification of ASM as supervisory as per Ext. M-3, the present argument advanced on behalf of the workman cannot be accepted. Further even according to the complainant SM is not doing night duty and ASM is incharge of the station which is supported by Ext. 23. I have already held that the duties of ASM incharge of the station is supervisory. It was further argued that the complainant was not classified as supervisory and therefore the question of wages does not arise. Reliance was placed on two decisions of the Supreme Court in support of the argument that the complainant is a workman as defined under the Act. The first authority cited is the decision in *S. K. Verma V. Mahesh* (1984 SC 1462) (supra). About this decision I have mentioned earlier and in the nature of duties performed by the complainant this decision has no application. The second authority cited is in *National Engineering Industries V. Sri Kishan* (AIR 88 SC 329). In that case the employee was working as internal auditor on a monthly salary and his duties were mainly reporting and checking up on behalf of the management and he had no independent right or authority to take decision. Of Section 2(s) of the Act. But in the case before me the complainant as incharge of the Railway Station was in independent charge and had independent right or authority to take decisions, to supervise the running of trains and to do administrative and managerial work. Hence this decision also has no bearing to the present case.

(ix) On behalf of the complainant it is contended that chapter V of the General rules mentioned earlier deal with only responsibilities of SM and that cannot be deciding factor for the purpose to see that the complainant was discharging supervisory duties. Para 5.01 under chapter V of the general rules deals with the responsibilities of SM. A reading of the above paragraph makes it clear that SM means SM on duty and incharge of the station. Under sub-para (1) of para 5.01 the staff in the station shall be under the orders of SM and shall be subject to his authority and direction. Sub para (4) shows that no person other than SM shall ask for or give Line clear or give authority to proceed. This para considered along with the duties performed by SM and ASM particularly in night leaves no room for doubt that SM and ASM are discharging supervisory and administrative duties. According to the representative of the complainant as per para 1.02 of the General rules under definition, meaning of SM varies. It is argued that under these rule unless the context otherwise requires meaning of SM varies. This argument is also without force as the definition of SM under sub para 53, para 1.02 means the person on duty who is for the time being responsible for the working of the traffic within station limits and includes any person who is for the time being in independent charge of the working of any signals etc. According to the complainant he was working at Haveri station under the SM and he had no control over any staff there. As stated above ASM while incharge of the station during night definitely has the control over the staff under him. It is pointed out that definition of 'controller' as per sub-para (16) of para 1.02 of the General rules the controller

is responsible for regulating the working of traffic and the SM or ASM has no power to control the trains but only to obey the orders of the controller. It has come out in evidence that the points man and cabin man clear the line for the passing of the train as per the direction of the SM or ASM incharge of the station. No doubt the SM or ASM incharge of the station give directions as per the instructions of the controller. But that does not mean that SM is not having supervisory power over the cabin man and points man. According to the complainant as per Ext. W-27 delegation of powers, independent power is given only to those who are incharge of the station in the grade above Rs. 550-750. I have held earlier that the ASM during night hours is in independent charge of the station doing supervisory duties and hence this argument is without force. It is contended that complainant as ASM was not having any authority to grant leave, to make absence, to issue privilege pass and such other duties and hence he is not having supervisory duties. The argument is that this aspect establish that he is a workman under the Act. Merely because he did not have authority to issue privilege pass or to grant leave he cannot be considered as a workman within the ambit of Section 2(s) of the Act particularly on the basis of other duties performed by him. Considering the duties and responsibilities of the complainant and the other circumstances stated earlier this argument is only to be rejected. In view of the above discussion I have no hesitation to hold that the complainant in this case is not a workman coming within the contemplation of Section 2(s) of the Act.

Question No. 21—This question was already discussed by me in detail under question No. 1 above. However I shall consider it in brief. In order to decide this question it is necessary to refer para 5.01 of chapter V of the General Rules, 76 which I am extracting below.

5.01 Responsibility of the Station Master for working :—

- (1) The Station Master shall be responsible for the efficient discharge of the duties devolving upon the staff employed, either permanently or temporarily, under his orders at the station or within the station limits and such staff shall be subject to his authority and direction in the working of the station.
- (2) The Station Master shall see that all signals, points, gates of level crossings and the whole machinery of his station are in proper working order and shall immediately report all defects therein to the proper authority.
- (3) The Station Master shall also be responsible to see that the working of the station is carried out in strict accordance with the rules and regulations for the time being in force.
- (4) No person other than the Station Master shall ask for or give Line Clear, or give authority to proceed.

A reading of the above makes the position clear that SM performs supervisory or managerial functions. The above paragraph considered along with the day today duties performed by SM fully support this position. I have discussed in detail the duties performed by SM in the earlier paragraphs with reference to para 5.02 quoted above and held that ASM during night shift is in independent charge of the station and performs majority of those duties. As per the General rules SM definitely means ASM also as stated earlier. ASM while incharge of the station performs independent and supervisory duties. Of course ASM is not having the power to issue privilege pass, grant leave etc. But the other duties mentioned earlier definitely establish that ASM incharge of the station performs supervisory and managerial duties. From the discussions made above I hold that SM used in para 5.01 includes ASM also.

Question No. 3 : The complainant was charge sheeted for unauthorised absence and he was found guilty in the domestic enquiry. The proceedings of the enquiry have been marked here as Ext. M8 now. According to the complainant the enquiry was conducted in violation of the principles of natural justice and the findings of the enquiry officer are

perverse and unenforceable. It is argued that relevant documents were not produced in the enquiry and the complainant was not given opportunity to prove his case. According to the complainant without waiting for his defence statement after issuing charge memo enquiry officer was appointed which is quite illegal. It is evident from the enquiry proceedings that the complainant had not submitted his explanation within the time specified in Ext. W1 charge memo. Ext. W1 was served on the complainant on 16-7-1986. According to him he has made a request on 20-7-1986 for permission to peruse certain documents but the opposite parties did not respond that request. He has produced Ext. W2, copy to prove this. But there is nothing to show that such a request was made to the opposite parties. The managements have denied this and the complainant has not produced any document except W2. That shows that he has not made any such request. He had not submitted his explanation or made any request for perusal of records within the time limit fixed in Ext. W1. There is no explanation also for not doing so. Thereafter the management has appointed an enquiry officer on 6-11-1986. Therefore the present contention that the appointment of the enquiry officer on 6-11-1986. Therefore the present contention that the appointment of the enquiry officer was without jurisdiction and illegal is unsustainable. That being the position the decision of the Orissa High Court in Nilamadhab Sahu v. Registrar of Co-operative Societies (1978 LIC 1503) has no application here.

(ii) According to the complainant the first enquiry officer was removed and 2nd enquiry officer Sri Rathana was appointed without his knowledge. This according to him is violative of the rules of natural justice and illegal. It is evident from Ext. M8 enquiry proceedings that in spite of several notices the complainant failed to co-operative with the enquiry and thereafter the enquiry officer was changed by the disciplinary authority. By appointing a second enquiry officer it is not established that any prejudice had been caused to the complainant. So this argument is without merit. The further argument is that he has raised bias against the second enquiry officer but no order was passed on this point. It is mandatory according to the complainant. It is also argued that the Divisional Railway Manager (DRM) has assumed the role of disciplinary authority and appointed third enquiry officer for which he has no authority. Under rule 25 DRM is the highest authority and in that capacity he has changed the enquiry officer against whom bias was raised. The request of the complainant to change the enquiry officer was allowed and the complainant without any protest or objection participated in the enquiry held by the third enquiry officer Sri Seshadri. Therefore the workman cannot now turn round and advance the present argument. Further there is nothing to show that any prejudice was caused to him.

The two decisions relied on by the learned counsel for the management negatives the contention of the complainant in this regard. The first decision is that of the Supreme Court in Manak Lal V. Dr. Prem Chand (1957 SC 425). In that case the appellant was an Advocate. A complaint was raised against him alleging professional misconduct and a Tribunal nominated by the Chief Justice of the Rajasthan High Court held an enquiry. The Tribunal found the appellant guilty of the misconduct. When the report was received by the High Court it was argued there. Then the appellant alleged bias against one of the members of the Tribunal for the first time. The High Court held that without raising any objection to the constitution of the Tribunal on the ground of bias before the Tribunal at the earlier stage he is precluded from raising bias before the High Court. It was also held that having taken a chance to secure a favourable report from the Tribunal and having failed to get such a report he adopted such a report. High Court repelled the allegation of bias. The next authority cited is also of Supreme Court in G. Sarana V. Lucknow University (AIR 76 SC 2428). There the appellant voluntarily appeared for an interview for the post of Professor of Anthropology before a selection Board knowing fully well the relevant facts about the members of the Board without raising any kind of objection against the constitution of selection board. After failing to get selection he questioned the constitution of the selection board alleging bias against 2 members of the board. The Supreme Court held that having voluntarily appeared before the board not taking a chance of favourable recommendation in his favour he cannot turn round and question the decision of the Board when the decision was unfavourable to him. No doubt in the case before me the complainant raised allegation of bias against the 2nd enquiry officer and no order was communicated to

him on the petition filed by him. But the 2nd enquiry officer was changed and a 3rd enquiry officer was appointed. The complainant participated in the enquiry conducted by the 3rd enquiry officer without raising any objection. So as held in the above two decisions the complainant after finding that enquiry finding is against him cannot now contend that the enquiry is vitiated for not passing an order on his petition alleging bias.

(iii) The next point of argument is that in the enquiry relevant documents were not produced and no witnesses were also examined to prove his case though specifically requested by him. According to the enquiry officer the muster roll was the document on the basis of which the complainant was charge sheeted and the muster roll was made available which was verified by the workman and satisfied. But as per Ext. W6 the workman specifically requested for production of some documents to establish his case and also cited two witnesses. The enquiry officer has not made any mention of the request of the complainant regarding the production of such document. It may be recalled that the definite case of the complainant is that he has applied for leave and it was sanctioned and communicated over control phone to him. The enquiry officer stated in his finding that there was leave letter submitted by the complainant but leave was not sanctioned. It is very much specific to note that leave letter was not made available in the enquiry but the enquiry officer placed reliance on that in reaching his conclusion without giving opportunity to the complainant to refer that leave letter. The other document mentioned in Ext. W6 is also necessary to establish that sanctioning of leave was intimated to him over control phone. That was also not made available without any reason what so ever. The witnesses stated in Ext. W6, one of whom according to the complainant has sanctioned leave, was also not cited or examined. The enquiry officer simply held that those witnesses are irrelevant. According to the enquiry officer leave was not sanctioned and the entries in the muster roll clearly establish the case of management that the complainant unauthorisedly absented. But according to the complainant the ASM then on duty has marked leave and thereafter another officer marked absence. According to the enquiry officer that after marking absence by Sri Gurnathan who was appointed as Emergency officer, the complainant being the SM of Bhageshpura had every access to manipulate the muster roll by marking leave after resuming duty. The muster roll is not made available before Muster roll does not form part of the enquiry proceedings also this Tribunal. Whether absent was marked first is also not proved by examining the concerned emergency officer, who has marked absence according to the management. The non production of the documents requested by the complainant as per Ext. W6 letter necessarily caused prejudice to him and affected him in defending his case particularly in the nature of contention that he had applied for leave which was sanctioned. The non-production of such material documents and non-examination of witnesses clearly vitiate the enquiry proceedings. It is also noteworthy that after questioning the complainant by the enquiry officer the enquiry was closed without affording any opportunity to the complainant to adduce evidence on his part. There is nothing in the enquiry file to show that the complainant was given opportunity to lead evidence. As per rule 9(14) of Brochure on Railway Servants (Discipline and Appeal) Rules, 1968 opportunity for adducing evidence shall be given to a railway servant in such enquiry. That is not done here. Without affording such opportunity the enquiry officer abruptly closed the enquiry proceedings. It is quite illegal and violative of the principles of natural justice.

This view is supported by two decisions of the CAT. In the decision in Kamelesh Chandra Sanyal V. Union of India and others of CAT Calcutta Bench reported in 1988 (1 CAT 477) SLI the Tribunal observed in para 5 that non-affording opportunity to the delinquent to prove his case vitiated the enquiry. Though this decision is not fully applicable here the observation made in para 5 is applicable to the facts and circumstances of the present case. In the decision of CAT New Delhi (90 13 ATC 447) it was held in para 10 that copies of the documents required by the charged employees not supplied to him and due that infirmity the enquiry was held vitiated. In the case before me the documents requested by the workman were not produced. Further the documents relied on by the enquiry officer were also not made available in the enquiry. Hence the enquiry is vitiated on that ground.

(iv) As stated above records required by the complainant were not made available in the enquiry. The leave letter was seen verified by the enquiry officer. That was also not made available and the workman was not given opportunity to go through that document. Further the complainant was questioned on the basis of salary bill ledger by the enquiry officer for the position that the complainant has not drawn salary during the period of absence, Enquiry officer thus relied on documents mentioned above behind the back of the workman and thereby he was denied reasonable opportunity to defend his case. This further shows that the enquiry officer has made private enquiries and imparted his personal knowledge. This is also highly illegal and vitiated the enquiry.

(v) The learned counsel for the management would contend that the muster roll which was the only document on the basis of which the complainant was charge sheeted was made available in the enquiry, and it was verified and satisfied by the complainant wherein he was marked absent from 6-5-1986 to 15-5-1986. Therefore according to the learned counsel the non-production of the documents requested by the complainant as per Ext. W6 are not material and that will not vitiate the enquiry. It was also contended that as per the leave account, Ext. M6, the complainant was marked absent for the above period. Further the complainant has not drawn salary for those days and not even claimed salary. Since I have held above that the enquiry is vitiated due to the reasons stated therein the present argument of the learned counsel does not deserve consideration now. The question whether he was guilty of the charge is to be considered after deciding the legality and validity of the enquiry and I have held above that the enquiry is vitiated. The findings of the enquiry officer on the basis of certain documents which were not made available in the enquiry and which does not form part of the enquiry proceedings is perverse also. According to me as per the remand order of CAT no fresh evidence is permissible for deciding question No. 3. So Ext. M6 and the evidence of MW1 on this point cannot be considered now. It is thus clear that the finding of misconduct is improper.

Question No. 4 : On behalf of the management it was contended that this dispute is not maintainable as no industrial dispute was pending at the time of terminating the service of the workman. The learned counsel for the management has pointed out that the enquiry report was given before 1988 and the appeal filed by the complainant against the termination order was disposed and the order of termination was confirmed on 25-5-1989. But it is evident from Ext. M10 award of the Industrial Tribunal, Madras that I.D. 65/84 was disposed on 27-2-1991 only. In that industrial dispute the dispute was raised by the All India Station Masters Association in which the complainant was a member. So the argument that no industrial dispute was pending at the time of terminating the service of the complainant is unsustainable. The complainant has deposed that he was a member of the association which has raised the dispute I.D. 65/84 and also an office bearer of the association. According to him the award passed in I.D. 65/84 would have been binding on him had he not been removed from service. In I.D. 65/84 the main claim was for uniform for SMS and ASMS. As ASM during that time the award in I.D. 65/84 would be binding on him. The dispute has been raised on behalf of SMS and ASMS who were members of the association and therefore SMS and ASMS would be bound by the award which may be made in that dispute. Hence the argument that this reference is not maintainable and this Tribunal has no jurisdiction to adjudicate upon this dispute is devoid of merit.

(ii) Admittedly the management has not obtained approval of the removal of the complainant from the Industrial Tribunal, Madras. The action of the opposite parties in removing the service of the workman has been done during the pendency of I.D. 65/84. That necessarily constitute interfering in the conditions of service applicable to the complainant which prejudicially affected him. He was not paid one months wages as per order under Sec. 33(2) of the Act. The opposite parties are therefore liable for contravention of the provisions of Sec. 33 of the Act and their action adversely affected the complainant. The action of the opposite parties is manifestly illegal and liable to be quashed. The

decision relied on by the learned counsel for the management in *Gowrisankar Oil Mills V. Industrial Tribunal and others* (62 II LJ 527) in support of the above argument has no bearing to the facts of the instant case. In that case it was held that before the Tribunal can adjudicate upon the complaints made by the employee it had to record a positive finding that there was no proceeding pending before it in respect of industrial dispute. There it was contended that the reference in the main dispute is not an industrial dispute. In the case before me a proceeding in respect of an industrial dispute was pending as I.D. 65/84 which was subsequently disposed. Hence this decision has no application here.

(iii) I have found earlier that the enquiry was conducted in violation of the principles of natural justice and the findings are perverse. That being the position the whole proceedings initiated against the complainant on the basis of a defective enquiry is to be quashed. The result is that the complainant is to be reinstated in service with all benefits. Therefore the question whether the punishment is harsh or not does not arise. So it is not necessary to consider the decision referred in the order of CAT in *union of India V. Giriraj Sharma* and the other decisions relied on by the learned counsel for the management on this point. However the relief of reinstatement cannot be granted since I have found that the complainant is not a workman under Sec. 2(s) of the Act and hence this reference is not maintainable.

(iv) The learned counsel for management would contend that in this complaint under Sec. 33A of the Act this Tribunal need consider whether the management has established a prima facie case. According to the learned counsel the management proved the misconduct against the complainant in the domestic enquiry itself. In support of this argument reliance was also placed on two decisions of the Supreme court and one decision of the High Court of Kerala reported in AIR 1960 SC 160, AIR 1976 SC 2062 and 1982 KLT S. N. case No. 34 respectively. But I have held above that the enquiry was conducted in violation of the rules of natural justice and finding of the enquiry officer is perverse and thus the misconduct is not proved. In that case the argument of the learned counsel is without force. The decisions cited above mainly considered the question regarding approval application under Sec. 33 of the Act and there the domestic enquiries were found to be properly conducted. But in the instant case that is not the position. Therefore these decisions according to me have no application here.

12. On behalf of the complainant it is argued that the complainant was removed from service as per Ext. W13 order passed by the DRM who has no power to do so. According to the complainant DRM was his appointing authority and there is no evidence of delegation of power to DRM to initiate proceedings against the complainant. The management has produced service register of the complainant which was marked here as ext. M7. It is stated by MW1 that as per page 2 of Ext. M7 Divisional Personnel Officer has appointed the complainant. The entry in Ext. M7 shows that it was recorded by the Divisional Personnel Officer. It is not specifically evident from Ext. M7 that DPO is the appointing authority. However the complainant has not produced the appointment order to contradict the entries in Ext. M7 and to prove that DPO was not his appointing authority. The order of removal was issued by DRM who is admittedly a higher authority. There is nothing illegal in issuing the termination order by

the higher authority. Therefore the present argument of the complainant is without force.

13. In the result, an award is passed holding that the complainant Sri. T. C. Govindaswamy is not a workman in the contemplation of the Industrial Disputes Act, 1947 and therefore this reference is not maintainable and he is not entitled to any relief in this reference.

C. N. SASIDHARAN, Industrial Tribunal

APPENDIX

Witness examined on the side of the Workman
WW1 Sri T. C. Govindaswamy.

Documents marked on the side of the Workman

- Ext. W1. True copy of memorandum of charge sheet dated 26-5-1986.
- Ext. W2. True copy of letter sent to the opposite parties from the complainant dated 20-7-86
- Ext. W3. True copy of order of disciplinary authority issued to the complainant dated 6-11-1986
- Ext. W4. True copy of letter issued to the complainant from the enquiry officer dated 10-2-1987
- Ext. W5. True copy of preliminary hearing in the enquiry dated 16-3-1987
- Ext. W6. Petition submitted to the enquiry officer by the complainant dated 25-3-1987
- Ext. W7 Order issued to the complainant appointing the enquiry officer dated 14-5-1987
- Ext. W8. Letter issued to the complainant from the enquiry officer dated 11-12-1987
- Ext. W9. Proceedings of the enquiry dated 21-12-1987
- Ext. W10. copy of order issued to the complainant and others from the Divisional office of the opposite parties appointing enquiry officer Sri. A. N. Seshadri dated 4-2-1988
- Ext. W11. Proceedings of the enquiry held on 29-2-1988
- Ext. W12. Representation submitted by the complainant to the enquiry officer dated 7-3-1988
- Ext. W13| Penalty order issued to the complainant dated 12-4-1988.
- Ext. W14. Copy of the Appeal memorandum submitted to the appellate authority dated 20-2-1989
- Ext. W15. Order of the appellate authority dated 25-5-1989
- Ext. W16. Series. Documents showing punishments imposed on the complainant by the management

Ext. W17. Abstract of pages 1 to 8 of chapter I, and page 3 of chapter II and pages 1 to 7 of chapter V of Indian Railways General Rules 1976.

Ext. W18. Photostat copy of extract of title page and preface of Block working manual 1983

Ext. D19. Photostat copy of extract of title page and page 1 of Indian Railway Commercial Manual Volume I (72)

Ext. W20. Photostat copy of extract of title page, pages 24, 25 and 32, 33 of Indian Railway Establishment Manual IInd Edition

Ext. W21. Photostat copy of extract of Hours of Employment Regulation (70) page 1, 6 to 11 and 58 to 60.

Ext. W22. Photostat copy of extract of the duty roster dated 5-6-1987 of Ettumanoor station

Ext. W23. Photostat copy of extract of the duty roster dated 16-11-87 of Piravam road Railway Station

Ext. W24. Station diary of southern railway specimen form

Ext. W25. Photostat copy of Railway Labour Tribunal (69) award title page and pages 1 and 136 to 141

Ext. W26. Photostat copy of extract of railway servants (Discipline and appeal) Rules 1968 title page and pages 120 to 127

Ext. W27. Photostat copy of Railway Boards letter dated 28-5-1984.

Ext. W28. Photostat copy of Railway Boards letter dated 13-6-1985

Ext. W29. Photostat copy of memorandum dated 3-8-1984 issued by the Divisional Railway Manager, Mysore

Documents marked on the side of the Management

Ext. M1. Photostat copy of extract of paragraph 122 of Indian Railway Establishment Manual Vol. I 1989

Ext. M2. Photostat copy of para. 121 of Indian Railway Establishment Manual IInd Edition

Ext. M3. Photostat copy of page 26 of Hand Book of Hours of Employment Regulations

Ext. M4. Photostat copy of schedule II of Railway servants (Discipline and Appeal) Rules 1968

Ext. M5. Photostat copy of definition clause 1.02 and chapter V of Indian Railway General Rules, 1976

Ext. M6. Leave accountal of the complainant

Ext. M7. Service record of the complainant

Ext. M8. Enquiry proceedings

Ext. M9. Copy of the claim statement of the workmen in I. D. 65/84 filed before Central Government Industrial Tribunal, Madras

Ext. M10. Photostat copy of the award in I.D. 65/84 of Industrial Tribunal, Madras dated 27-2-1991.

नई दिल्ली, 23 दिसम्बर, 1994

का. मा. 106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, प्रत्यक्ष में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण संप्र 2 दिसम्बर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-12-94 को प्राप्त हुआ था।

[संख्या एल - 12012/72/85 - सी - II (ए) (सी - 1)]
पी. जे. माईकल, डेस्क अधिकारी

New Delhi, the 23rd December, 1994

S.O. 100.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on the 21-12-1994.

[No. L-12012/72/85-D.II(A)-BI],
P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/4 of 1986

Employers in relation to the management of
State Bank of India

AND

Their Workmen

APPEARANCES :

For the Employers.—1. Shri P. K. Rele.
2. Shri P. M. Palshikar, Advocates.

For the Workmen.—Shri M. S. Udeshi, Advocate.

Bombay, dated 29th November, 1994

AWARD

PART-II

On 2-5-1990, My Learned Predecessor passed Award Part I and answered issues 1 & 2 in favour of the Bank by which he came to the conclusion that the enquiry which was held against the workman was

proper, and the signatures of the workman were not obtained on blank papers and false documents were not prepared. Now, I will have to answer issues 3, 4 & 5. The issues and my findings thereon are as follows :

ISSUES

FINDINGS

2. Whether the action of the In the affir-
management of State Bank of mative.
India in relation to its Bombay
Central Branch, Bombay, in
dismissing Shri M.R. Pednekar
an Ex-Clerk-Cum-Cashier, work-
ing in its Bombay Central Branch
from the services with effect from
24-10-83 is justified

4. If not, what relief the workman Does not
concerned is entitled to ? survive.

5. What Award ? As per order below.

REASONS

2. At this juncture, it would be proper to mention that after passing of the Award Part I several opportunities were given to the workman to file oral evidence. Thereafter, on August 27, 1991 the workman informed the Tribunal that he does not want to lead any oral evidence in the matter. Then the matter was adjourned for leading evidence on behalf of the management. The management also took time and at last filed an affidavit of one witness by the name Shri Balakrishna Renu Shinde (Exh. 13) on February 12, 1992. The matter was adjourned for the cross-examination of the witness by the workman. He was cross-examined on 17-6-1992 and on 3-12-1992.

3. Thereafter, on several occasions the workman and his representative remained absent and no cross-examination could be completed of this witness. On 13-9-1994 I made an endorsement on the deposition that the workman and the Advocate absent. Thereafter on 6-10-1994 (Exh. 14) the Advocate of the workman gave an application requesting for calling back the witness for further cross-examination who was already discharged. After the detailed order of it the witness was re-called on payment of cost of Rs. 100. The witness was present on 27-10-1994 for the cross-examination, but nobody appeared on behalf of the workman. Then the matter was adjourned to 10-11-1994. On that day a purshis (Exh. 13) was filed by the Advocate of the management informing that the witness is present for further cross-examination but nobody from the workman is present. Ultimately the matter was posted on the next date. Then the management filed written arguments and again the matter was posted to 14th November for arguments. Then again the matter was adjourned to 17-11-1994. On that day, oral arguments on behalf of the management were heard.

4. I have given this elaborate history only because when the departmental enquiry was conducted against

the workman, he remained absent. The matter was conducted ex-parte and he took a stand in his claim that his signature was taken on a blank paper and then false documents were prepared. It appears to me that the workman has the habit of remaining absent at relevant time and then take different types of contentions to pro-long the matter.

5. The workman was charged for having misappropriated the amount of the customer when he was working as a Clerk-cum-Cashier. The charges are held to be proved. He had deposited the amount which he misappropriated. That does not reduce the gravity of the charge. Shri Balakrishna R. Shinde (Exh. 13) affirmed that Shri Pednekar i.e. the workman remained absent from duty for 22 days from June to September 1980 and for 18 days from October to November 1980. He had also affirmed that the workman's past record is not extenuating but aggravating factors. From the affidavit, it reveals that he is delaying deposits of cash proceeds on postal orders and issuing cheques without any balance in his savings account and has failed to submit the unused cheques and the statement of accounts of the Bank. From the cross-examination, nothing has come on record for coming to the conclusion that the punishment which is granted to the workman is disproportionate to the charges proved against him.

6. On 13-1-1983 a charge was framed against the workman which clearly indicates that he misappropriated the amounts given by the customer and used it for personal gain. Thus, he acted in a manner which is not only highly prejudicial to the interest of the Bank, but also he betrayed the trust responded on him by the Bank. The charges levelled against him are gross mis-conduct and are held to be proved. In Indian Iron & Steel Ltd. Vs. Their Workmen 1958 1 LLJ page 260 THEIR LORDSHIPS of the Supreme Court observed that the Industrial Tribunal will interfere only when there is a want of good faith, victimisation, unfair labour practice etc. on the part of the management while considering the adequacy of the punishment. There is nothing on the record to show that the punishment which is awarded to the workman is disproportionate to the charges "proved" against the workman. I rely upon the ratio given in this authority.

7. In Sharda Prasad Omkar Prasad Tiwari v/s. Central Railway, 1960, 1 LLJ page 167 THEIR LORDSHIPS have observed that an act was conducted pre-judicial or likely to be prejudicial to the interest or reputation of master is serious misconduct commission of which would justify the dismissal. Here in this case, the acts of the workman are prejudicial to the interest of the Bank and therefore the order of dismissal is justified. In view of the ratio given in the above said authority.

8. In Bank of India v/s. D. Padmanabhudu reported in 1994 F.L.R. page 326 it is observed by their Lordships :

"The Bank is the custodian of the money of the customers and cashier is a person who deals with the money and he must be more diligent and honest and justify the trust re-

posed on him by the Bank and by the Customers. If once the customers lose the confidence in the dealings, the entire organisation suffers and confidence of the customers is the basis on which the entire edifice of the banking system is built. The learned Judge has assigned the reason that the money misappropriated by the first respondent has been paid back to the customer and not of the Bank. The learned Judge has lost sight of the principle, that the intentional temporary retention of the money which does not belong to a person is also misappropriation. Mere repayment will not absolve the liability or the misconduct committed by the first respondent. When once the money is put to Bank by the customer, the Bank owes a duty to repay and the reasoning that it is the money of the customer and not of the Bank is a perverse reasoning."

For the above said reasons I find that the workman who was a Cashier committed a gross mis-conduct, and mis-appropriated the money. Under such circumstance, the punishment which is awarded to the workman is just and proper. I record my findings on the points accordingly and pass the following order :

ORDER

1. The action of the management of State Bank of India, in relation to its Bombay Central Branch, Bombay in dismissing Shri M. R. Pednekar an ex-Clerk-cum-Cashier, working in its Bombay Central Branch, from the services w.e.f. 24-10-83 is justified.
2. No order as to costs.

Dated : 29-11-1994.

S. B. PANSE, Presiding Officer.

नई दिल्ली, 23 दिसम्बर, 1994

का.आ. 101.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिभूषणा संख्या का.आ. 1652 दिनांक 4 जुलाई, 1994 द्वारा कम्पनी नोट प्रैत, नासिक रोड को उक्त अधिनियम के प्रयोजनों के लिए 14 जुलाई, 1994 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था,

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (इ) के उपखंड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 14 जनवरी, 1995 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस्-11017/3/91—आई.आर. (पालिसी विधायी)]

एस्.एस्. परामार, प्रवर सचिव

New Delhi, the 23rd December, 1994

S.O. 101.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India, in the Ministry of Labour S.O. No. 1652 dated 4th July, 1994, the Currency Note Press, Nashik Road to be a public utility service for the purposes of the said Act, for a period of six months, from the 14th July, 1994.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 14th January, 1995.

[No. S-11017/3/91-I.R. (PL)]
S. S. PARASHAR, Under Secy.

नई दिल्ली, 23 दिसम्बर, 1994

का.प्र. 102.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. बी. सी. एल. की एना कोलियरी, कुस्तार क्षेत्र के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-12-94 को प्राप्त हुआ था।

[संख्या एल-20012(347)/90 आई.प्र. (कोल-1)]
ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 23rd December, 1994

S.O. 102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ena Colliery under Kustore Area of M/s. B.C.C. Ltd. and their workmen, which was received by the Central Government on the 22-12-94.

[No. L-20012(347)/90-IR(COAL-I)]
BRAJ MOHAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 1) AT DHANBAD
PRESENT :

Shri P. K. Sinha, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

Reference No. 40 of 1991

2982 GL/94—12

PARTIES :

Employers in relation to the management of Ena Colliery under Kustore Area of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE.—Bihar.

INDUSTRY.—Coal.

Dated, Dhanbad, the 14th December, 1994

AWARD

The Government of India, in the Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/347/90-I.R. (Coal-I), dated, the 16th April, 1991.

THE SCHEDULE

“Whether the action of the management of Ena Colliery under Kustore Area of M/s. BCCL in dismissing Smt. Manwa Dharin W/o. Rohit Dharin vide their letter No. ENA/PD/CS/1700 dated 21-10-89 from the services w.e.f. 21-10-89 is justified? If not, to what relief the worker is entitled?”

2. Against the aforesaid Reference, the sponsoring Union filed its written Statement on behalf of the working women, namely, Smt. Manwa Dharin stating therein that on the same allegation a criminal case was also filed but the domestic enquiry was held during the pendency of that case. Grounds have been given to show as to how the domestic enquiry was not fair. It has been stated that the case of the management during the enquiry was that real Manwa Dharin was appointed in the year 1971 as Casual Hard Coke Bhatta who left the service in the year 1975, but in her absence the proceedee impersonated the real Manwa Dharin and entered into employment. It has been claimed that in the domestic enquiry sufficient evidence was not produced in order to substantiate the charge of misconduct.

3. The management in its written statement has submitted that the proceedee was actually Tilo Bourin wife of Girish Bourin and sister of Pakun Bourin. Pakun Bourin was working as Fitter in Rajapur Colliery and Tilo Bourin was residing with him. She assumed the name of Manwa Dharin and entered into the service of the management, which fact was brought to the notice of the management by a complaint from real Manwa Dharin in the year 1988, after which chargesheet was issued and domestic enquiry was properly held on the basis of the finding of which the competent authority ordered dismissal of the working woman.

4. The twin points for consideration are, firstly, whether or not the management by its evidence in the domestic enquiry has been able to prove the charge of misconduct as mentioned in the chargesheet and, if so, whether or not the punishment awarded to the working woman was commensurate with the offence proved.

5. To come at right conclusion it is necessary to consider the chargesheet which I reproduce below (as it is) :

"It has been reported that you are working in the colliery as Water Carrier into the services surreptitiously in connivance with certain interested persons by impersonating Manwa Dharin W/o Rohit Dhari, Address (As per Form 'B') Vill: Bhandardih, P.O. + P.S. Giridih, Dist. Giridih.

Your above acts amount to misconduct under the following clauses of the certified standing order which are given below :—

29(2): Theft, fraud or dishonesty in connection with the company's business or property.

29(19) Any breach of the Indian Mines Act, or any other act, or of any rules or bye-laws thereunder or of standing orders."

6. The chargesheet reproduced above clearly states that the proceedee, which the management in its written statement has claimed was Tilo Bourin wife of Girish Bouri, had entered into the service of the company by impersonating Manwa Dharin wife of Rohit Dhari, addressed (as per Form B) at village Bhandardih, P.O. & P.S. Giridih, Dist. Giridih. The significance of the wording of the charge will unfold later while discussing the evidence of the management, but the clear charge is that the proceedee was impersonating Manwa Dharin wife of Rohit Dhari. Suffice to say at this stage that the witness produced as real Manwa Dharin has said that she was wife of Metho Dhari. When this was pointed out to the learned counsel for the management, Shri B. Joshi, he attempted to explain it by claiming that the name and address in the chargesheet was obtained as found in the Form B Register which was maintained on the information provided by the proceedee. It is difficult to accept this because the chargesheet as reproduced above makes it clear that only the address portion was given therein as per entry in Form B Register. But the allegation is clear as to whom the proceedee was impersonating. Even if this be the case of the management, which it was not, that the proceedee had impersonated Smt. Manwa Dharin wife of Metho Dhari then obviously the proceedee had not impersonated her if she mentioned in Form B Register her name to be Manwa Dharin but wife of Rohit Dhari. Therefore, if the contention of Shri Joshi is accepted that the proceedee had impersonated Manwa Dharin wife of Metho Dhari, then the entire charge blows to the air if another contention of Shri Joshi is accepted that in Form B Register she had not posed as wife of Metho Dhari, but as wife of Rohit Dhari because that would make it clear that she was not impersonating the lady who the management claims to be the real Manwa Dharin. Similarity in the name of

two persons can be found anywhere but in face of such similarity a distinction is made only by the name of father or of the husband, as the case may be.

Therefore, I will consider the evidence of the management to see as to whether or not the management has proved that the proceedee was impersonating one Manwa Dharin wife of Rohit Dhari.

8. The Enquiry Officer first appears to have recorded the statement of Shri R. K. Dwivedi, Senior Personnel Officer who also had acted as management's representative. From his evidence it will appear that the basis of the action against the proceedee was a letter sent to the management by one Smt. Rajbala Verma, the then Additional District Magistrate, on the basis of which the management had issued orders that Smt. Manwa Dharin working in Ena Colliery was not the real Manwa Dharin. He has narrated as to how thereafter chargesheet was issued. He also had placed the letter of the Additional District Magistrate before the Enquiry Officer. He also stated about the criminal case said to have been instituted against the proceedee. He also has mentioned about the reply of the proceedee, to the chargesheet issued against her.

9. The explanation of the workman to the chargesheet issued against her, dt. 6-4-88, is on the recorded in which she had claimed to be the real Manwa Dharin, further submitting that on some complaint the then Dy. Personnel Manager of Kustore Area Office, Shri B. D. Singh had made an enquiry and the matter was set at rest on full satisfaction about her proper identity. She claimed that some zealous local people had made a frivolous complaint to the police. Therefore, she denied the charge.

10. From the statement of the management's representative it also is clear that the main basis of taking action against the proceedee was the aforesaid letter received from the Additional District Magistrate. Even during cross-examination by the working women the management's representative admitted that since Additional District Magistrate had informed that she was not real Manwa Dharin rather was Tilo Bourin, hence she was stopped from working.

11. Coming to the other evidence adduced on behalf of the management, the next witness is Smt. Manwa Dharin, who has said that she had worked upto 1975 as casual worker, till she was stopped from working. In the year 1979 those casual workers were re-appointed but because of death of her son due to small pox she had gone to her home. On coming back she placed her papers for her reinstatement at which she was told that in her place another Manwa Dharin was working. Thereafter she submitted written complaint to the Dy. Commissioner, Dhanbad in this connection.

12. As already stated, this witness has come as wife of Metho Dhari.

13. The next management's witness is Sri Ram-saroop Dhari who has claimed to be knowing real Manwa Dharin.

ance long and submitted that she was working in the Bhatta. He also said that Baldeo Dhari was her father.

14. The next witness is Shri Jugal Dhari, the Line Mazdoor in East Bhagatdih Colliery. He has also given evidence similar to the evidence of Ramsaroop Dhari.

15. The third witness was Janki Turi helper in East Bhagatdih Colliery. His evidence is also on similar line.

16. Bhim Dhari was the next witness who has said that the real Manwa Dharin whom he knew was working at Kustore BNR Bhatta and that the proceedee was actually Tilo Bourin sister of Pakun Bourin.

17. The fifth witness Shri Ghanadi Dhari has claimed that Baldeo Dhari was the father of real Manwa Dharin who was working at the Bhatta.

18. It may be noted here that none of the management's witness has claimed that the real Manwa Dharin's husband's name was Rohit Dhari, which is the allegation in the chargesheet which the management was bound to prove in order to substantiate the misconduct mentioned in the chargesheet.

19. The proceedee is the first witness on her behalf who has claimed that her husband's name was Rohit Dhari who had expired and her father's name was Girish Dhari. She claimed that she was working at BNR Bhatta as casual worker. In the year 1974 she had stopped working since the Bhatta was closed. Then in the year 1976 she was appointed as wagon loader in Burragarh Colliery. She has given details as to how and when she was transferred and how ultimately she came to Ena Project. In cross-examination she said that she did not know as to who Tilo Bourin was. She claimed that she was working in the colliery since the time of the contractors, i.e., before nationalisation. She denied knowing the lady claiming to be the real Manwa Dharin.

20. Ramasray Singh, who was earlier a contractor and later was appointed in M/s. BCCL as Bhatta Supervisor has deposed as the witness of Manwa Dharin. He said that the proceedee was the real Manwa Dharin and had also worked under him. He could not say the name of her father or brother, which is not unnatural. He has answered as to where the proceedee was living while working under him.

21. The next witness was Surendra Singh working in the hospital at Kustore Area. He said that at the time of nationalisation he was working at Kustore Bhatta. He testified that the proceedee was working in that Bhatta as Manwa Dharin. He also said that he did not know any Tilo Bourin. He also revealed as to how he provided work to different labourers. In answer to another question he denied knowing the lady who claimed to be the real Manwa Dharin. He said that he knew the proceedee since 1972-73 when she worked in the Bhatta. He also said that the proceedee had also worked under him for two to three years. He admitted that thereafter Bhatta was closed.

22. This is all the evidence on the record so far oral evidence is concerned.

23. The management in the chargesheet has claimed that the address of the proceedee was of the district Giridih. On the record is a Voter's list prepared in the year 1985 for village Chaitadhi in the district of Giridih. At Sl. No. 628 is the name of Manwa Harin wife of Rohit Hari. There is another Voter's list at page 16 which relates to the village Kustore in the district of Dhanbad in which one Tilo Bourin is said to be the wife of Girish Bourin at Sl. No. 74. Here it may be recalled that the proceedee in her evidence had said that her father's name was Girish Dhari. Here it may be mentioned that as usual in these areas there is some confusion about the surnames. In the evidence produced by both the sides the surnames have differently come as "Dhari", "Dharhi" and "Bourin" etc.

24. This generally sums up the evidence on the record. The complaint of the lady claiming as real Manwa Dharin is also on the record in which she had claimed that she was Maina Dharin wife of Shri Metho Dhari. Here also there is some difference in the name as given in her complaint petition. Ext. 1 marked by the Enquiry Officer is letter of personnel Manager addressed to the Agent of Ena Colliery, forwarding the letter received from the Additional District Magistrate and directing to issue a chargesheet against "Maina Dharin" and to start disciplinary proceedings against her. This letter of Smt. Rajbala Verma was marked Ext. 2 by the Enquiry Officer in which she had informed the Director of personnel of M/s. BCCL that from the report of the Officer-in-Charge, Jharia it was clear that one Tilo Bourin had impersonated "Maina Dharin" and had secured service, which she had given to her sister who was working as Tilo Bourin in that colliery. The contents of this letter are bit confusing so much as that while accusing that Tilo Dharin had impersonated one "Maina Dharin", it further alleges that she had handed over the service to her sister who was working as Tilo Bourin in the same colliery. The entire enquiry proceeding is silent on this second part of the allegation.

25. Evidently right from the officer receiving this letter from the Additional District Magistrate to the Enquiry Officer, all have given great weight to this letter. The officer of the management just on receipt of this letter without further enquiry of their own, had issued chargesheet against the working woman.

26. The Enquiry Officer at page 3 of the report has summarised his conclusion on different points. The first summarisation is that the aforesaid letter had clearly indicated (in the words of the Enquiry officer (himself) that the Manwa Dharin who was presently working at Ena Fire project was not real Manwa Dharin rather was Tilo Bourin.

27. This letter of the Addl. District Magistrate could not have been given any importance, so far its evidentiary value is concerned, unless the management had examined the officer as witness, or atleast had examined the officer incharge, Jharia P.S. on whose report the Addl. District Magistrate had sent that

letter so that the working woman had an opportunity to test in the cross-examination the basis of their coming to the aforesaid conclusion.

28. Their Lordships of the Hon'ble Supreme Court in a decision reported in 1972 Lab. I.C. 188 (E. E. Supply Co. Versus Their Workman) have held that if letter or document was produced to prove some facts which were relevant to the enquiry, the writer must be produced or his affidavit must be filed and the opposite party should be afforded opportunity. Neither the Addl. District Magistrate nor the Officer Incharge of Jharia Police Station was produced as witness nor any affidavit was filed, still that the letter not only formed the basis of the allegation but was also relied upon by the Enquiry Officer in holding the charge to have been substantiated on the basis of which report higher authorities awarded the punishment of dismissal.

29. The Enquiry Officer has mentioned three other conclusions in the last portion of his report. He has relied upon the Electoral Roll in which at Sl. No. 74 name of Tilo Bouri wife of Birish Bouri has figured. But he could not have relied on this document unless it was proved by the management's evidence that the proceedee was real Tilo Bouri. All that the proceedee had said is that one Girish Dhari (not Girish Bouri) was her father. The third conclusion was that the proceedee did not produce any official document in support of her genuineness or official correspondence with BCCL. What the learned Enquiry Officer actually meant by his remark that no correspondence with BCCL was produced is not known. Evidently for years she had worked as an employee of BCCL in the name of Manwa Dharin and whatever the document the management had with regard to the proceedee, such as pay slips, informations recorded in the statutory registers, identity cards etc., all of those must have been in the name of Manwa Dharin. So far the proceedee's not producing any official document is concerned, the management also has not produced any reliable official document to substantiate its charge. As already seen the letter of the Addl. District Magistrate cannot operate against the proceedee, so far its evidenciary value is concerned.

30. The last conclusion was that the electoral roll of Giridih Legislative Assembly showed the name of Manwa Harin wife of Rohit Hari. He pointed out that the surname was not Dhari. If this could have any value, then such minor discrepancy in the name of proceedee may also be found in the documents of the management itself. The letter of the Additional District Magistrate relied upon by the management gives out the name as 'Maina Dharin', not 'Manwa Dharin'. "In her complaint the lady claiming to be the real person has given out her name as 'Manwa Dharin'. These are greater discrepancies in the name than discrepancy pointed out by the Enquiry Officer in the surname.

31. Evidently by its evidence the management has not at all proved that the proceedee was impersonating one Manwa Dharin wife of Rohit Dhari. On behalf of the proceedee, the contractor and the Munshi

under which she had worked at the Bhatta have identified her as Manwa Dharin who was working in that bhatta. Moreover, it is the proceedee herself who has claimed to be the real Manwa Dharin wife of Rohit Dhari which name has been mentioned in the chargesheet. Therefore, though the management has not proved by the evidence that she had impersonated as per the charge in the chargesheet, the working workman has adduced good evidence to prove that she was Manwa Dharin wife of Rohit Dhari who earlier was working in that Bhatta on the basis of which she was subsequently taken into service.

32. Therefore, I find that the conclusion of the Enquiry Officer that the charge was established by the evidence of the management, cannot be sustained. I find that by its evidence the management could not establish the charge of misconduct levelled against the working woman. This being so the order of dismissal on the basis of the domestic enquiry must be held to be wrong and illegal.

33. Now coming to the question of the relief to which the concerned working woman is entitled, she appears to have been dismissed through letter of the management dt. 21-10-89 which has been marked Ext. M-2 by the Tribunal. From the order of reference it will appear from the file number of failure report submitted by the Asstt. Labour Commissioner (Central), Dhanbad that the dispute was raised that very year and the failure report was submitted by letter dated 12-11-1990. Therefore, it does not appear that after her dismissal the sponsoring Union had delayed in raising the industrial dispute. In such circumstances, when I have held that her dismissal was not legal and justified, the concerned working woman, as relief, is entitled to full back wages.

34. Before parting with the matter it may, however, be made clear that the award of this Tribunal in this reference may not be taken as going against Manwa Dharin alias Maina Dharin, wife of Meto Dhari in case she has already been inducted into service on the belief of the management that she was the real Manwa Dharin nor this award should be treated as going against her interest in case the management proposes to employ her if she has not already been employed, because the possibility that there might be two Manwa Dharin, separately identified by the name of their husband, who were working at the Bhatta earlier, does not appear to have been fully explored.

35. Following, therefore, is the Award :—

The action of the management of Ena Colliery in dismissing Smt. Manwa Dharin wife of Rohit Dhari from service with effect from 21-10-1989 was not justified. The management is directed to reinstate the working woman in service immediately on this award becoming enforceable. The working woman Smt. Manwa Dharin is also entitled to be paid by the management the full back wages.

In such circumstances, there would be no order as to costs.

P. K. SINHA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1994

का.भा. 103 --औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चम्पारन ग्रामीण बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 1 धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

[संख्या एल-12011/42/92-आईआर/(बी III) बी-I]
पांजे. माईकल, डेस्क अधिकारी

New Delhi, 23rd December, 1994

S.O. 103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 1 Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Champaran Kshetriya Gramin Bank and their workmen which was received by the Central Government on the.....

[No. L-12011/42/92-IR BIII(BI)]
P. J. MICHEL, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1) (d) of the Industrial Disputes Act, 1947.

Reference No. 62 of 1993

PARTIES :

Employers in relation to the management of
Champaran Kshetriya Gramin Bank.

AND

Their Workmen

PRESENT :

Shri P. K. Sinha, Presiding Officer

APPEARANCES :

For the Employers.—None.

For the Workman.—None.

STATE : Bihar INDUSTRY : Banking.

Dated, the 14th November, 1994

AWARD

By Order No. L-12011/47/92-JR(B.III) dated 2/3-2-93 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal

“Whether the action of the management of Champaran Kshetriya Gramin Bank, Motihari in reducing the Cashier-in-charge allowance from Rs. 316 p.m. to Rs. 189 p.m. was justified? If not, to what relief(s) the workmen are entitled to?”

2. After receipt of the order of reference from the Ministry of Labour, twice notices were sent through registered post to the sponsoring Union, and once to the management, but none appeared till 8-11-1994.

3. It does not appear that either the sponsoring Union or the management is interested in this reference or in this industrial dispute. I am, therefore, constrained to render a ‘no dispute’ award in this reference case.

4. Accordingly, a ‘no dispute’ award is rendered in the present reference case.

P. K. SINHA, Presiding Officer

नई दिल्ली, 23 दिसम्बर, 1994

का.भा. 104 --औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फेडरल बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, एर्नाकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-12-94 को प्राप्त हुआ था।

[संख्या एल-12012/350/91-आईआरबी III(बी-I)]
पांजे. माईकल, डेस्क अधिकारी

New Delhi, the 23rd December, 1994

S.O. 104.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Federal Bank Ltd. and their workmen, which was received by the Central Government on the 9-12-1994.

[No. L-12012/350/91-IRB.III(B.I)]

P. J. MICHEL, Desk Officer.

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR
COURT, ERNAKULAM

(Labour Court, Ernakulam)

Friday, the 28th day of October, 1994

PRESENT :

Shri M. V. Viswanathan, B.Sc., LL.B., Presiding Officer.

Industrial Dispute No. 16 of 1991(C)

BETWEEN

The Chairman, M/s. Federal Bank Ltd., Head Office, P.B. No. 103, Alwaye-683101.

AND

The General Secretary, Federal Bank Employees Union, P.B. No. 10. Alwaye-683 101.

REPRESENTATIONS :

Sri B. S. Krishnan, Advocate, Ernakulam.—For Management.

Sri M. Ramachandran, Advocate, Kochi-17 — For Union.

AWARD

This industrial dispute was referred to this court by the Central Government as per the order No. L-12012/350/91-IR-B. III dated 24-12-1991. The dispute is between the management of Federal Bank Ltd. and their workman Sri S. Rajasekharan Nair represented by the General Secretary, Federal Bank Employees Union, Aluva. The issue referred for consideration is "Whether the action of the management of M/s. Federal Bank Ltd. in imposing the punishment of withholding of one increment with cumulative effect on Sri S. Rajasekharan Nair, Typist Clerk, while working at Quilon Branch is justified? If not, to what relief the said workman is entitled?"

II. The workman concerned Sri S. Rajasekharan Nair was working under the management bank in their Quilon branch. He was chargesheeted for misconduct. The management ordered a domestic enquiry into the charges levelled against the workman concerned. The workman was found guilty of the charges. The management accepted the findings of the enquiry officer and imposed the punishment of withholding one increment with cumulative effect. The workman concerned raised an industrial dispute and it culminated in the present reference.

III. The workman is represented by the union. The union challenged the legality and validity of the domestic enquiry. So this court was pleased to consider the legality and validity of the domestic enquiry and the findings thereon as a preliminary point. This court has upheld the said domestic enquiry and the findings thereon by virtue of the preliminary order dated 27-9-1994. The above said preliminary order is extracted below, for convenience.

"PRELIMINARY ORDER

The workman concerned was employed under the management bank. He was chargesheeted for misconducts, vide chargesheet dated 7-3-1985. The workman submitted an explanation to the charge sheet. But the management was not satisfied with the explanation submitted by the workman concerned. A domestic enquiry was ordered into the charges levelled against the workman. The enquiry officer found the workman guilty of the charges of misconducts. The management accepted the findings of the enquiry officer and imposed the punishment of stoppage of one increment with cumulative effect. The union representing the workman concerned disputed the punishment imposed on the workman and it resulted in the present reference.

2. The union filed claim statement stating as follows :

Sri Rajasekharan Nair was chargesheeted for misconduct of wilful insubordination or disobedience of

any lawful order of the management or a superior, wilful slowing down in performance of work and doing any act prejudicial to the interest of the bank or gross negligence or negligence involving or likely to involve the bank serious loss. The charges were fabricated in order to victimise the workman for his involvement in the union activities. Quilon Branch of the management bank was one of the busy branches and one cashier could not cope up normal work that is available there. It had been demanded from time to time for providing additional cashier. A cashier is expected to work till 2 p.m. with reference to his transactions with the General public. He is to attend to a lot of clerical duties, to tally accounts, entrust the cash with appropriate officer. Only after the work is finished by 2 p.m. he may be able to attend the work before the closing of the bank in the day. A direction to accept the cash after 2 p.m. was not a reasonable order. The explanation given by the workman was not accepted by the officers. The management compelled the workman to face a domestic enquiry. The enquiry conducted by Shri P. M. Joseph was only a mere eye wash. The enquiry officer had adopted a partisan approach. The workman was not given a fair opportunity to prove his innocence. The workman was not permitted to cross examine the witnesses effectively. He was denied adjournment arbitrarily. The domestic enquiry was violative of all principles of natural justice and fairness. The domestic enquiry is liable to be quashed. The findings of the enquiry officer are perverse and liable to be reversed. The Disciplinary Authority had failed to consider the issue in the correct perspective. The punishment imposed on the workman is excessive and disproportionate to the charges alleged. The entire disciplinary action is vitiated by malafides and amount to unfair labour practice. Hence the union requested for setting aside the domestic enquiry and exonerate the workman from all the charges.

3. The management filed written statement contending mainly as follows :

Sri Rajasekharan Nair was handling the cash section at branch Quilon on 3-9-1984. He disobeyed the direction of the cash officer and the Assistant Manager. The workman did not effect payment of the cheque for Rs. 1.10 lakhs. He unnecessarily spent his time in drafting his reply to the office order and typing the same. He refused to accept and account the cash brought from State Bank of India and to effect the payment of cheque for Rs. 1.10 lakhs. Thus he willfully disobey the orders of the superiors. He was given an writing to accept and account the cash to effect the payment of cheque for Rs. 1.10 lakhs. On the next day also he refused to account the vouchers. Instead he accepted Rs. 90,000 towards credit of BOB account. He was chargesheeted for misconducts. A domestic enquiry was ordered into the charges levelled against him. Sri P. M. Joseph, Area Manager was appointed as enquiry officer. He conducted the enquiry in compliance with the principles of natural justice. The workman fully participated in the enquiry along with his union representing and defended the case. On the basis of the materials on record, the enquiry officer submitted his findings. The workman was

found guilty of the charges levelled against him. The disciplinary authority has considered the findings and the supporting documents on record. The disciplinary authority proposed to impose the punishment of stoppage of 2 increments with cumulative effect, the workman was heard on the proposed punishment. After hearing him, the punishment was confined to stoppage of one increment with cumulative effect. The enquiry conducted against the workman is legal and proper. The enquiry is not vitiated in any manner. The enquiry officer has not adopted any partisan approach. But the enquiry was conducted in a just and proper manner by observing the principles of natural justice. The workman is guilty of the charges levelled against him. The findings of the enquiry officer are based on the legal evidence on record. The findings of the enquiry officer are absolutely justified. The punishment of stoppage of one increment is not excessive or disproportionate. The management has not excessive or disproportionate. The management has not acted with malafides. There is no unfair labour practice on the part of the management. The management has acted with all bonafides to maintain discipline in the establishment. Hence the management pleaded to uphold their action.

4. This court was pleased to consider the validity and legality of the domestic enquiry and the findings thereon. So the points for consideration is "Whether the domestic enquiry and the findings thereon are legal and valid?"

5. The Point.—The domestic enquiry file containing the enquiry report, deposition of the witnesses, list of documents and the connected papers was marked as Ext. M1. The enquiry file was marked on consent of the parties. A perusal of Ext. M1 enquiry file would show that the domestic enquiry was conducted by giving full opportunity to the workman concerned. It is revealed that the workman concerned was represented by a defence representative and the workman concerned fully participated in the enquiry with a defence representative. The workman defended his case effectively. The defence representative cross examined the management witnesses at length. There was elaborate cross examination of the management witnesses. Thus it can be seen that the domestic enquiry was conducted in a just, proper and fair manner by observing the principles of natural justice. The union has not succeeded in establishing their case that the enquiry was conducted by violating the principles of natural justice. The union has also not succeeded in establishing their case that the workman was not given fair opportunity to prove his innocence. But on the other hand the enquiry proceedings would reveal the fact that the enquiry was conducted in compliance with the principles of natural justice. The union has not challenged or disputed the enquiry proceedings recorded by the enquiry officer. Hence I hold that the domestic enquiry was conducted in accordance with the principles of natural justice.

6. The next aspect for consideration is in respect of the findings of the enquiry officer. The union has also challenged the validity of the findings entered by the enquiry officer. It is alleged that the findings are

perverse and vitiated. It is further stated that the enquiry officer had adopted a partisan approach. But there is nothing on record to support the case of the union that the enquiry officer had adopted a partisan approach. On the other hand, the available evidence on record would only show that the enquiry officer had only acted in a just and proper manner. His approach to the enquiry was impartial.

7. In the enquiry 2 witnesses were examined in support of the charges levelled against the workman concerned and 8 documents were marked from the side of the management. The first witness examined in the enquiry is the cash officer of the Quilon Branch. The 2nd witness examined in the enquiry the Assistant Manager of the Quilon branch at the relevant time. Thus MW1 and MW2 examined in the enquiry are competent persons to depose in support of the charges levelled against the workman concerned. The evidence of MW1 and MW2 would support each other. There is no inconsistency in their testimony. These witnesses were cross examined elaborately by the defence representative. But nothing could be brought out to discard the testimony of MW1 and MW2. It was established in the case that the workman disobeyed the instructions given by MW1 and MW2. There can be no doubt that MW1 and MW2 were the superior officers of the workman concerned and the workman concerned was bound to obey the reasonable orders of his superior officers. There is nothing on record to show that the orders of instructions given by MW1 and MW2 were unreasonable. The enquiry officer has considered the entire evidence on record. He has also considered the work load on 3-9-84. He made a comparative study of the work load on the succeeding and preceding dates. Thus the documentary evidence on record would show there was not so much work load on 3-9-84. Thus the workman is not justified in refusing the instructions given by MW1 and MW2. The evidence on record is sufficient enough to find the workman guilty of the charges of misconduct. The enquiry officer has appreciated and evaluated the evidence on record and come to a just and proper conclusion. There is no ground to interfere with the findings of the enquiry officer. The case of the union that the findings are perverse cannot be upheld. There is no ground to set aside the findings of the enquiry officer. Hence, I hold that the findings in the enquiry are sustainable.

8. In the result, the domestic enquiry and the findings thereon are upheld".

IV. The enquiry officer found the workman guilty of the charges of misconduct. The management accepted the findings of the enquiry officer and imposed the punishment of withholding one increment with cumulative effect. This Court has already upheld the domestic enquiry and the findings thereon. So the punishment imposed on the workman concerned is to be upheld. There is no ground to interfere with the punishment imposed on the workman concerned. Moreover, the provisions of Section 11A of the I.D. Act is not attracted in this case, as the punishment imposed on the workman is not that of discharge or dismissal. Thus in all respects the punishment imposed on the workman is to be upheld. Hence I do so.

V. In the result, the action of the management of M/s. Federal Bank Ltd., in imposing the punishment, withholding of one increment with cumulative effect on Sri S. Rajasekharan Nair, Typist Clerk is justified. The workman concerned is not entitled to any relief in this case. An award is passed accordingly.

Erankulam,

28-10-1994.

M. V. VISWANATHAN, Presiding Officer

APPENDIX

Exhibit marked on the side of Management :

Ext. M1. Domestic enquiry file containing the enquiry report, deposition of the witnesses, list of documents and other connected papers.

नई दिल्ली, 26 दिसम्बर, 1994

का.प्र. 105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार राजस्थान परमाणु विद्युत परियोजना पो. अणुशक्ति वाया कोटा के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

[संख्या एल-42012/2/84-डी 2(बी)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 26th December, 1994

S.O. 105.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Rajasthan Parmanu Vidyut Priyोजना Anushakti Vaya, Kota and their workmen, which was received by the Central Government on 23-12-94.

[No. L-42012/2/84-D.2(B)]

K. V. B. UNNY, Desk Officer

अनुबंध

केन्द्रीय औद्योगिक न्यायाधिकरण, जयपुर

केस नं. सी.आर.टी. 19/85

संदर्भ: केन्द्र सरकार, श्रम मंत्रालय, नई दिल्ली का आदेश क्रमांक एल. 43012/2/84-डी.बी. दिनांक 16-4-85

राजस्थान अणुशक्ति कर्मचारी यूनियन, रवातभाटा (सीट से सम्बंध)

--प्रार्थी

बनाम

प्रबन्धक, राजस्थान परमाणु विद्युत परियोजना पो. अणुशक्ति वाया कोटा।

--शप्राथी

उपस्थित

माननीय न्यायाधीश श्री के.एल. व्यास, आर.एच.जे.एम

प्रार्थी की ओर से
शप्राथी की ओर से
दिनांक अर्वा

श्री जे. के. शप्राथन

16-8-1994

प्रार्थी

केन्द्रीय सरकार द्वारा निम्न विवाद न्यायाधिकरण में अधिनियम हेतु निर्दिष्ट किया गया है :

"क्या राजस्थान अणुशक्ति परियोजना के प्रबन्धतंत्र की सर्वश्री हवलदार मिह, निलक मिह, रामगोपाल तथा जगनकिशोर, चौकीदार के संबंध में चल रही जांच पड़ताल को चार वर्षों से अधिक समय से लम्बित रख कर उन्हें 30-12-1980 से निलम्बित करने की कार्यवाही न्यायोचित है ? यदि नहीं तो कर्मकार किस अनुतोष के हकदार हैं ?"

2. दोनों पक्षों की ओर से क्लेम व जवाब प्रस्तुत किया जा चुका था व सप्ताहात् श्रमिकगण की ओर से मौखिक साक्ष्य भी प्रस्तुत की गई थी। श्रमिकगण को साक्ष्य से पूर्व प्रबन्धक पक्ष ने यह प्रकट किया कि उनका व श्रमिकगण के बीच समझौता हो गया है व परिणामस्वरूप समझौते के अनुसार अधिनियम पारित किया जावे। प्रबन्धक पक्ष की ओर से दिनांक 30-8-91 के आदेश चारों श्रमिकगण के संबंध में प्रस्तुत किये गये हैं जिनमें यह उल्लेख है कि चारों श्रमिकगण के निवन्धन आदेश तुरन्त प्रभाव से प्रतिलिखित (रिबोक) किये जाते हैं व निवन्धन की अवधि के वेतन व भत्तों के संबंध में जांच कार्यवाही पूरी होने के पश्चात् आदेश जारी किये जायेंगे। इन आदेशों के परिणामस्वरूप श्रमिकगण ने झूठी जोड़न कर ली थी तथा वे निरन्तर रूप से कार्य कर रहे हैं यह स्पष्ट प्रस्तुत प्रलेखों में व श्रमिकगण के विद्वान प्रतिनिधि का अभिस्वीकृति से साबित होते हैं। प्रबन्धक पक्ष के प्रतिनिधि ने मत पेजी पर कुछ प्रलेख बताये थे जिनके अनुसार श्रमिकगण के खिलाफ गुरु की गई परेन् जांच सम्पन्न की जाकर आदेश पारित किया गया था। इस संबंध में कोई भी प्रलेख पत्रावली पर प्रस्तुत नहीं है व उन्होंने प्रस्तुत करने के लिए समय चाहा था। श्रमिकगण के विद्वान प्रतिनिधि ने आज बहम के समय एक प्रलेख की फोटो प्रति दिखाई व प्रस्तुत की जिनके अनुसार श्रमिक निलक मिह के विरुद्ध जांच कार्यवाही के पश्चात् दुराचरण के समस्त आरोप साबित कर दिये गये थे व श्रमिकगण के विद्वान प्रतिनिधि का कथन है कि इसी प्रकार के आदेश अन्य श्रमिकगण के संबंध में भी पारित किये हुए हैं। जहां तक जांच कार्यवाही व इसके परिणामस्वरूप पारित होने वाले आदेश का प्रश्न है, उनका संबंध निर्दिष्ट विवाद से नहीं है इसलिए इस पर कोई भी अन्य टिप्पणी किया जाना वांछित नहीं है।

3. श्रमिकगण के विद्वान प्रतिनिधि ने बहम में यह आशंका प्रकट की कि निवन्धन आदेश को वापस लेने के बावजूद निवन्धन की अवधि के वेतन के संबंध में व अन्य प्रकार से ऐसा कोई आदेश प्रबन्धक पक्ष की ओर से पारित किया जा सकता है जो श्रमिकगणों के हितों के प्रतिकूल हो जबकि प्रबन्धक पक्ष की ओर से बहम में राबत भाटा क्लेम में यह बताया गया था कि निवन्धन की अवधि के संबंध में कोई भी प्रतिकूल आदेश जांच के संबंध में पारित किये गये आदेश के अन्वावा नहीं दिया जायेगा। इसके बावजूद श्रमिकगण की ओर से जो आशंका व्यक्त की गई है उसे देखते हुए इस संबंध में स्पष्ट निर्देश अधिनियम में दिया जाना अपेक्षित व आवश्यक है।

4. दोनों पक्षों के बीच हुए समझौते व निवन्धन के आदेश के प्रति-संयोजन (रिवोकेशन) के फलस्वरूप अधिनियम उस प्रकार पारित किया जाता है कि श्रमिकगण समस्त निवन्धन की अवधि के लिए नियमित रूप से वेतन भत्ता व अन्य परिणाम प्राप्त करने के अधिकारी होंगे व प्रारंभ की तिथि से निवन्धन की अवधि अर्थात् दिनांक 30 अगस्त, 1991 तक के लिए वेतन व भत्तों के संबंध में कोई भी प्रतिकूल कार्यवाही प्रबन्धक द्वारा श्रमिकगण के विरुद्ध नहीं की जायेगी। श्रमिकगण को पुरी अवधि में निरन्तर ड्यूटी पर मानते हुए समस्त विस्तीर्ण व अन्य परिणाम प्रबन्धक पक्ष द्वारा स्वीकृत किये जायेंगे।

5. अर्वा अर्वा दिनांक 16-8-94 को लिखा जाकर सुनाया गया जो केन्द्र सरकार को प्रकाशनार्थ नियमानुसार भेजा जावे।

के. एल. व्यास, न्यायाधीश